

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 10-12-2010
RUTH WILLINGHAM,
ACTING CLERK
BY: GH

IN RE JACOB S.)
) 1 CA-JV 10-0023
)
) DEPARTMENT E
)
) MEMORANDUM DECISION
) (Not for Publication -
) Ariz. R.P. Juv. Ct. 103(G);
) ARCAP 28)
)
_____)

Appeal from the Superior Court of Mohave County

Cause No. JV2008-4135

The Honorable Derek Carlisle, Judge Pro Tempore

AFFIRMED

Carlene Lacy, Acting Mohave County Public Defender Kingman
By Melissa A. Puett
Attorneys for Jacob S.

Matthew J. Smith, Mohave County Attorney's Office Kingman
By Deborah L. Herbert,
Attorneys for Appellee

T H O M P S O N, Judge

¶1 Jacob S. (juvenile) appeals from the juvenile court's determination adjudicating him delinquent on one count of indecent exposure. We affirm.

¶2 A petition was filed charging juvenile with eight counts of sex-related crimes. The charges included four counts of sexual conduct with a minor and four counts of molestation of a child, all class 2 felonies. At the time of the incidents juvenile was thirteen; the victims were juvenile's six year-old brother and sister. Juvenile was alleged to have made oral, vaginal and anal contact with his siblings.

¶3 Juvenile filed a motion to suppress his confession, which was made at the police station, after *Miranda* warnings, when he was being interviewed with his parents' permission and with an adult relative of his choosing present. The juvenile court found juvenile was not in custody and denied the motion to suppress.

¶4 Juvenile pled to indecent exposure, a class 6 felony, with the other charges being dropped. Juvenile admitted to the factual basis for the charge. The juvenile court stated "quite frankly, I am convinced that the child - the juvenile did more than commit an indecent exposure. However, that is what he admitted to . . . and the State dismissed the eight considerably more serious charges." The judge accepted the plea, put the juvenile on intensive probation and, among other conditions, ordered him to register as a sex offender. Term 5 of the disposition agreement stipulated that juvenile was giving up any

and all motions, defenses and appeals from issues that were or could have been raised by accepting the plea.

¶5 Juvenile argues on appeal that the court erred in not finding a Miranda violation and in ordering him to register as a sex offender. On review, we determine de novo whether the court erred in its application of the law. *Schwab v. Ames Constr.*, 207 Ariz. 56, 60, ¶ 17, 83 P.3d 56, 60 (App. 2004). We review the juvenile court's factual determinations in the light most favorable to sustaining the adjudication. See *In re Julio L.*, 197 Ariz. 1, 2-3, 3 P.3d 383, 384-85 (2000).

¶6 The juvenile court found juvenile knowingly, voluntarily, and intelligently waived his rights pursuant to Ariz. R.P. Juv. Ct. 28(C)(5), and that is supported by the record. Juvenile's Miranda argument has been waived. See *State v. Jackson*, 118 Ariz. 270, 273, 576 P.2d 129, 132 (1978) (citation omitted) ("A guilty plea would have waived any inquiry into [Miranda warnings] on appeal.") Further, after accepting an admission of guilt for indecent exposure, a class 6 felony pursuant to Arizona Revised Statutes (A.R.S.) § 13-1402, the juvenile court was within its discretion to order juvenile to register as a sex offender. See A.R.S. § 13-3821(C).

¶7 We find that the evidence presented was sufficient to

adjudicate juvenile delinquent and his disposition was within the legal limits. Accordingly, we affirm.

/S/

JON W. THOMPSON, Judge

CONCURRING:

/S/

SHELDON H. WEISBERG, Presiding Judge

/S/

PETER B. SWANN, Judge