

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: 08/26/2010  
RUTH WILLINGHAM,  
ACTING CLERK  
BY: GH

IN RE ROBERT M. )  
) 1 CA-JV 10-0059  
)  
) DEPARTMENT B  
)  
)  
) **MEMORANDUM DECISION**  
) (Not for Publication -  
) Ariz. R.P. Juv. Ct. 103(G);  
) ARCAP 28)  
)  
)

Appeal from the Superior Court in Maricopa County

Cause No. JV177413

The Honorable Jo Lynn Gentry-Lewis, Judge

**AFFIRMED**

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Richard M. Romley, Acting Maricopa County Attorney Phoenix  
By Jeffrey W. Trudgian, Deputy County Attorney  
Appeals Bureau Chief  
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Mesa  
By Suzanne W. Sanchez, Deputy Public Defender  
Attorneys for Appellant

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**N O R R I S**, Judge

¶1 Robert M. appeals from his adjudication of delinquency and disposition for misdemeanor assault. After searching the record and finding no arguable question of law that was not frivolous, Robert M.'s counsel filed a brief in accordance with

*Anders v. California*, 386 U.S. 738 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 788 P.2d 1235 (App. 1989), asking this court to search the record for fundamental error. After reviewing the entire record, we find no fundamental error and, therefore, affirm the adjudication and disposition.

#### **FACTS AND PROCEDURAL HISTORY<sup>1</sup>**

¶2 On February 9, 2009, Robert M. struck the victim in the head at a bus stop in Phoenix. After holding an evidentiary hearing on November 23, 2009, the juvenile court adjudicated Robert M. delinquent on one charge of assault, a class one misdemeanor. On March 4, 2010, the juvenile court placed Robert M. on probation and ordered him to pay \$250 in restitution to the victim. He timely appealed.

#### **DISCUSSION**

¶3 We have reviewed the entire record for reversible error and find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at 881. Substantial evidence supported the juvenile court's adjudication. Robert M. testified he struck the victim but was acting in self-defense. The victim, the victim's girlfriend, and a bus driver, however, testified they saw Robert M. strike

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<sup>1</sup>"[W]e view the evidence in the light most favorable to sustaining the adjudication." *In re John M.*, 201 Ariz. 424, 426, ¶ 7, 36 P.3d 772, 774 (App. 2001) (citing *In re Julio L.*, 197 Ariz. 1, 2-3, ¶ 6, 3 P.3d 383, 384-85 (2000)).

the victim and Robert M. was the initial aggressor. Robert M. was represented by counsel at all stages of the disposition proceedings, and he was personally present at all critical stages. The court imposed an appropriate disposition for Robert M.'s adjudication. See Ariz. Rev. Stat. ("A.R.S.") §§ 8-341(A)(1)(a), -344(A) (2010).

#### CONCLUSION

¶4 We decline to order briefing and affirm the court's adjudication of delinquency and disposition.

¶5 Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), Robert M.'s counsel's obligations in this appeal are at an end. Counsel need do no more than inform Robert M. of the status of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See Ariz. R.P. Juv. Ct. 107(A), (J).

/s/

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PATRICIA K. NORRIS, Judge

CONCURRING:

/s/

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JOHN C. GEMMILL, Presiding Judge

/s/

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MAURICE PORTLEY, Judge