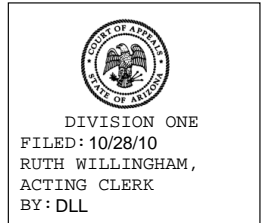


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS  
AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24

IN THE  
COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE



IN RE ERIC B. )  
 ) 1 CA-JV 10-0076  
 )  
 ) DEPARTMENT D  
 )  
 ) MEMORANDUM DECISION  
 ) (Not for Publication -  
 ) Ariz. R.P. Juv. Ct.  
 ) 103(G); ARCAP 28  
 )  
 )  
 )

Appeal from the Superior Court of Maricopa County

Cause No. JV-167222

The Honorable Christopher A. Coury, Judge

**AFFIRMED**

---

Terry Goddard, Attorney General  
by Kent E. Cattani, Chief Counsel  
Criminal Appeals/Capital Litigation Section  
and  
Jeffrey W. Trudgian, Appeals Bureau Chief  
Maricopa County Attorney's Office  
Appeals and Westside Juvenile Division  
Attorneys for Appellee Phoenix

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

---

W E I S B E R G, Judge

¶1 Eric B. appeals from a disposition order committing him to the Arizona Department of Juvenile Corrections ("ADJC"). His appellate counsel has filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000), *Anders v. California*, 386 U.S. 738 (1967), and *Maricopa County Juv. Action No. JV-117258*, 163 Ariz. 484, 788 P.2d 1235 (App. 1989), stating that she has found no arguable issues for appeal and asking this court to search the record for fundamental error. For reasons that follow, we affirm. We have jurisdiction pursuant to Arizona Revised Statutes ("A.R.S.") sections 8-235(A)(2007) and 12-2101(B)(2003).

#### BACKGROUND AND DISCUSSION

¶2 Since 2006, Eric had complaints filed against him for truancy, shoplifting, aggravated assault, robbery and escape. He had been adjudicated delinquent six times and had been placed on probation and intensive probation. The juvenile court had found him in violation of the terms of his probation numerous times for running away from different placements. As of March 2010, both of Eric's parents were incarcerated.

¶3 On February 25, 2010, the juvenile probation officer filed a probation violation petition alleging Eric had violated three terms of his probation. At a detention review

hearing/change of plea on March 8, 2010, Eric admitted that he had violated one term of his probation by leaving home without the probation officer's permission. The court found that the admission was knowing, intelligent and voluntary and that there was a factual basis for it. The State dismissed the remaining allegations of probation violations.

¶4 The probation officer informed the court that Eric had told her that if he "has any placement," he's going to run away. Eric's counsel told the court that Eric wished to return to his grandmother's home, but Eric's grandmother stated that she was not willing to have him back at that time. Eric's counsel also told the court that Eric was a ward of Child Protective Services ("CPS") and requested that he be released to CPS. A CPS caseworker stated that Eric had previously run away from foster homes, so he would likely be placed in a shelter or a group home.

¶5 At the disposition hearing on March 15, 2010, Eric's probation officer recommended that Eric be committed to ADJC. She stated that:

Probation has exhausted every service we can offer this young man to alter behaviors that he's displayed. He's been on standard. He's been on intensive. He's been on warrant status. He's been on the JETTS unit. He's had counseling. Nothing

changes. We just have nothing left to give him.

The State agreed with the recommendation because Eric had refused "to alter or change his behavior, [or] to take advantage of any of the programs that have been offered to him for the last several years." Eric's counsel argued that Eric could be successful on probation in a group home.

¶16 The juvenile court noted the probation department's assessment that "[p]robation has done nothing to alter Eric's behaviors and his behaviors continue to get him in trouble. Eric has exhausted all service this Department has to offer." The court stated that it had considered Eric's delinquency history, his risk to the community, the fact of a prior escape charge, and the possibility of less restrictive alternatives. The court indicated it believed that Eric needed to be in a secure facility for public safety and for his treatment and rehabilitation. The court ordered Eric to be committed to ADJC until age eighteen or sooner released, but for a minimum of thirty days. The juvenile court allowed the filing of a delayed appeal.

¶17 In the opening brief, Eric's counsel has asked this court to determine whether the juvenile court abused its discretion when it committed Eric to ADJC. The juvenile court

has broad powers to determine the appropriate disposition for a delinquent juvenile, and we will not alter that disposition absent an abuse of discretion. *In Re Niky R.*, 203 Ariz. 387, 390, ¶ 10, 55 P.3d 81, 84 (App. 2002). Having reviewed the record, there was no abuse of discretion.

¶18 The record shows that counsel represented the juvenile at all stages of the proceedings and on this appeal. We have read and considered counsel's brief and have searched the entire record for reversible error. *See Juv. Action No. JV-117258*, 163 Ariz. at 487-88, 788 P.2d at 1238-39. We find none. The court conducted the detention and final disposition hearings in compliance with Rules 23 and 30, Arizona Rules of Procedure for the Juvenile Court, and the disposition was appropriate and within the court's statutory authority. A.R.S. § 8-341(A)(e) (Supp. 2009).

¶19 Upon the filing of this decision and pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), the obligations of counsel in this appeal are at an end. Counsel need do no more than inform Eric 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)*.

**CONCLUSION**

¶10 We affirm the disposition ordered by the juvenile court.

/s/ \_\_\_\_\_  
SHELDON H. WEISBERG, Judge

CONCURRING:

/s/ \_\_\_\_\_  
MICHAEL J. BROWN, Presiding Judge

/s/ \_\_\_\_\_  
JON W. THOMPSON, Judge