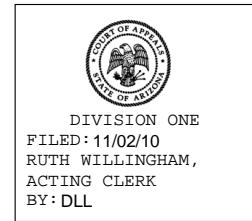


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



IN RE ADRIAN C.)
) 1 CA-JV 10-0164
)
) DEPARTMENT E
)
) MEMORANDUM DECISION
) (Not for Publication -
) Ariz. R.P. Juv. Ct. 103(G);
) ARCAP 28)
) **FILED 11-02-2010**

Appeal from the Superior Court of Maricopa County

Cause No. JV 545362

The Honorable Raymond P. Lee, Judge

AFFIRMED

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

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

WEISBERG, Judge

¶1 Adrian C. 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

¶12 Adrian was adjudicated a delinquent for several misdemeanor offenses from 2007 until 2010 and was placed on standard probation. On April 27, 2010, Adrian was placed on intensive probation. Prior to this, however, on April 8, 2010, Adrian committed the offense of unlawful use of means of transportation, a class undesignated felony.

¶13 At a pre-adjudication conference and change of plea hearing, Adrian entered a plea of delinquent to an amended charge of attempted unlawful use of means of transportation. The court found that Adrian's plea was entered into knowingly and voluntarily, accepted the plea and found Adrian delinquent. The juvenile probation officer requested a psychological evaluation of Adrian before making her final recommendation. The court placed Adrian in detention until the final disposition hearing.

¶14 In the disposition report, Adrian's probation officer stated that prior to being in detention, Adrian had been using illegal drugs, drinking alcohol, and had refused to participate in court-ordered services, but that on detention, he was doing very well. She indicated that Adrian had "a long history" of involvement with gang members and activities and that his drug tests showed that Adrian had a "serious drug problem." The probation officer indicated that Adrian has continued to be "non-compliant with any court-ordered sanctions and had refused to take advantage of the services offered to him." She also observed that Adrian's mother had little control over Adrian's behavior or actions and that "he talks a great game whenever in custody . . . but once he's released everything goes out the door." The probation officer recommended that Adrian be committed to ADJC for a period of no less than six months. Dr. Steven C. Hirdes, who performed the psychological evaluation, concluded that Adrian needed a "highly structured and contained treatment setting" that provided for "high levels of behavioral monitoring and management" and also recommended that he be transferred to ADJC.

¶15 At the disposition hearing, the State asked the court to follow the probation officer's recommendation. The juvenile's attorney asked the court to continue Adrian on intensive probation. She argued that Adrian had committed the instant offense before being placed on intensive probation and that Adrian did not have

enough time to prove he could be successful on it. Based on the totality of circumstances, the court ordered that Adrian be committed to ADJC for a minimum of six months. Adrian timely appealed.

¶16 Adrian's counsel has asked this court to determine whether the juvenile court abused its discretion when it committed Adrian 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.

¶17 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).

¶18 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 Adrian 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

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

/s/_____
SHELDON H. WEISBERG, Judge

CONCURRING:

/s/_____
PHILIP HALL, Presiding Judge

/s/_____
PETER B. SWANN, Judge