

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: 12/09/10
RUTH WILLINGHAM,
ACTING CLERK
BY: DLL

IN RE: GABRIEL P.,)
)
) 1 CA-JV 10-0210
)
) DEPARTMENT E
)
) 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) (Not for Publication -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 551100

The Honorable Peter A. Thompson, Judge *Pro Tempore*

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 J. Haas, Maricopa County Public Defender
by Suzanne Sanchez, Deputy Public Defender
Judy Carol Huddleston
Attorneys for Appellant Mesa

W E I S B E R G, Judge

¶1 Gabriel P. ("the Juvenile") appeals from the juvenile court's 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 Juvenile 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 The State filed a delinquency petition against the Juvenile charging him with criminal damage, a class 1 misdemeanor. At the advisory/admissions hearing, the Juvenile admitted that on August 23, 2010, while he was in juvenile court on another matter, he "got mad," "hit the wall" with his elbow, and made a hole in it. The court found that the Juvenile's admission was knowing, intelligent and voluntary. The Juvenile had been in detention for approximately eighty days and the court ordered that he remain there until the disposition hearing.

¶3 At the disposition hearing, the probation officer recommended that the Juvenile be committed to ADJC. She stated that "it's been a continual tirade of incident reports [and] I've

come to the conclusion that either he has zero impulse control, or he's voluntarily making these choices to act out [and] I can't even count the number of incident reports." The Juvenile's Guardian Ad Litem recommended psychological or psychiatric services for the Juvenile and questioned whether "the community's going to be safe if he's released on some type of restrictions."

¶4 The court noted that the Juvenile had been involved in a "continual series of problems" that made the court "very concerned" about releasing him into the community. The court stated that the Juvenile's behavior before and during detention suggested that he was "seriously out of control" and that the court could not "just throw [him] out there and just hope it works for the community." The court determined that it was not in the best interests of the community to release the Juvenile. The court ordered that the Juvenile be committed to ADJC until age eighteen or until sooner released pursuant to the law, but for a minimum of thirty days. The Juvenile timely appealed.

¶5 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 final disposition hearing in compliance with Rules 23 and 30, Arizona Rules of Procedure for the Juvenile Court, and the

disposition is within the court's statutory authority. A.R.S. 8-341 (A)(1)(e)(Supp. 2010). The record shows the juvenile court did not abuse its discretion in committing the Juvenile to ADJC. *In Re Niky R.*, 203 Ariz. 387, 390, ¶ 10, 55 P.3d 81, 84 (App. 2002).

¶16 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 the Juvenile's counsel in this appeal are at an end. Counsel need do no more than inform the Juvenile 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.

CONCLUSION

¶17 For the foregoing reasons, 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