

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



DIVISION ONE
FILED: 05/29/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

IN RE JOSEPH B.) 1 CA-JV 11-0236
)
) DEPARTMENT A
)
) **MEMORANDUM DECISION**
) (Not for Publication -
) Ariz. R.P. Juv. Ct. 103(G);
) ARCAP 28)
)
)
)
)
)

Appeal from the Superior Court in Yavapai County

Cause No. P1300JV201100104

The Honorable Ethan A. Wolfinger, Judge *Pro Tempore*

AFFIRMED

Sheila Polk, Yavapai County Attorney
by Keith J. Evans, Deputy County Attorney
Attorneys for Appellee

Prescott

Jonna C. Hoffman, Attorney at Law
by Jonna C. Hoffman
Attorney for Appellant

Clarkdale

P O R T L E Y, Judge

¶1 Joseph B. ("Joseph") appeals his adjudication and disposition for possession of marijuana. This appeal was filed

in accordance with *Anders v. California*, 386 U.S. 738, 744 (1967), and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 485-88, 788 P.2d 1235, 1236-39 (App. 1989). Joseph's attorney advises this court that after a search of the entire record on appeal, she finds no arguable ground for reversal. Counsel now requests that we search the record for fundamental error. See *Anders*, 386 U.S. at 744; *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). After reviewing the record, we affirm the juvenile court's order.

FACTS¹

¶2 A U.S. Forest Service officer stopped a car carrying five teenagers, including Joseph, in Yavapai County on April 22, 2011. The officer questioned the driver, searched the car, and located alcohol, a marijuana bud, and a small, "one hit-style pipe." The pipe and marijuana were found under the seat where seventeen-year-old Joseph had been sitting.

¶3 The State subsequently filed a petition in juvenile court alleging that Joseph had illegally possessed marijuana and drug paraphernalia, in violation of Arizona Revised Statutes ("A.R.S.") sections 28-3320, 13-3401, -3405, and -3415 (West 2012). Joseph denied the allegations, and a contested adjudication was set.

¹ We review the facts "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) (citation omitted).

¶14 At the September 2011 hearing, in addition to the testimony of the teen driver and the officer, the court heard from Joseph. He testified that he did not own the marijuana that he had been smoking in the car, and had never seen the pipe that was found under his seat. The court subsequently adjudicated Joseph guilty of possession of marijuana, but acquitted him of possession of drug paraphernalia.

¶15 At the disposition hearing, the court designated the marijuana possession offense as a class 1 misdemeanor and placed Joseph on standard probation until his eighteenth birthday.²

¶16 We have jurisdiction over Joseph's appeal pursuant to A.R.S. § 8-235 (West 2012) and Arizona Rule of Procedure for the Juvenile Court 103.

DISCUSSION

¶17 We have read and considered counsel's brief and have searched the entire record for reversible error. See *JV-117258*, 163 Ariz. at 488, 788 P.2d at 1239. Finding none, we affirm. All of the proceedings were conducted in compliance with the Arizona Rules of Procedure for the Juvenile Court. So far as the record reveals, Joseph was represented by counsel at all stages of the proceedings, and the disposition imposed was within the statutory limits. See A.R.S. § 8-341(B) (West 2012).

² Joseph turned eighteen during the pendency of this appeal.

CONCLUSION

¶8 We affirm the adjudication and disposition. After this decision is filed, counsel must only inform Joseph of the status of the appeal and his future options. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984).

/s/

MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

ANN A. SCOTT TIMMER, Judge

/s/

ANDREW W. GOULD, Judge