

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: 04/24/2012  
RUTH A. WILLINGHAM,  
CLERK  
BY: sls

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

IN RE JASON R. )  
) No. 1 CA-JV 12-0021  
)  
) DEPARTMENT B  
)  
) **MEMORANDUM DECISION**  
)  
) (Not for Publication -  
) Ariz. R. P. Juv. Ct. 103(G);  
) ARCAP 28)  
)

Appeal from the Superior Court in Yuma County

Cause No. S1400JV20110588

The Honorable Denise D. Gaumont, Judge *Pro Tempore*

**AFFIRMED**

Jon R. Smith, Yuma County Attorney ) Yuma  
By George J. Romero, Deputy County Attorney  
Attorneys for Appellee

The Law Offices of Kelly A. Smith ) Yuma  
By Kelly A. Smith  
Attorneys for Appellant

**J O H N S E N**, Judge

¶1 Jason R. appeals his adjudication of incorrigibility based on truancy and his subsequent disposition. This appeal was timely filed in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878

(1969). Jason's counsel has searched the record on appeal and found no arguable question of law that is not frivolous. See *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders*, 386 U.S. 738; *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999); *In re JV-117258*, 163 Ariz. 484, 485-88, 788 P.2d 1235, 1236-39 (App. 1989). Counsel now asks this court to search the record for fundamental error. After reviewing the entire record, we affirm the superior court's order.

#### **FACTS AND PROCEDURAL HISTORY**

¶2 In December 2011, the State filed a petition in juvenile court, alleging Jason was incorrigible and habitually truant because he had been absent from school without an excuse for thirty separate days between August 10, 2011 and December 16, 2011.<sup>1</sup> At the advisory hearing, Jason and his mother knowingly, intelligently and voluntarily waived counsel and Jason waived his right to a trial. Jason then admitted the allegations. Accordingly, the court found the factual basis for the allegations was established and Jason was adjudicated incorrigible as a truant pursuant to Arizona Revised Statutes

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<sup>1</sup> On appeal from an adjudication of incorrigibility, we view the evidence in the light most favorable to upholding the court's judgment and resolve all reasonable inferences against the juvenile. *In re Jessi W.*, 214 Ariz. 334, 336, ¶ 11, 152 P.3d 1217, 1219 (App. 2007).

("A.R.S.") sections 8-201(16)(b) and 15-803 (West 2012).<sup>2</sup> The court placed Jason on protective supervision for 12 months and ordered him to participate in drug testing services.

¶13 Jason timely appealed. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and A.R.S. §§ 12-120.21(A)(1) and 8-235(A) (West 2012).

#### **DISCUSSION**

¶14 The proceedings were conducted in compliance with due process and the Arizona Rules of Procedure for the Juvenile Court. Substantial evidence, including Jason's admission, supported the adjudication. Jason was present at all stages of the proceedings and the disposition was within the court's discretion.

#### **CONCLUSION**

¶15 We have read and considered counsel's brief and searched the entire record for fundamental error. See *JV-117258*, 163 Ariz. at 488, 788 P.2d at 1239. We find none.

¶16 After the filing of this decision, defense counsel's obligations pertaining to Jason's representation in this appeal have ended. Defense counsel only need inform Jason of the outcome of this appeal and his future options, unless, upon review, counsel finds an issue appropriate for submission to the

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<sup>2</sup> Absent material revisions after the date of an alleged offense, we cite a statute's current version.

Arizona Supreme Court by petition for review. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984); Ariz. R. P. Juv. Ct. 107(A).

/s/  
DIANE M. JOHNSEN, Presiding Judge

CONCURRING:

/s/  
LAWRENCE F. WINTHROP, Chief Judge

/s/  
DONN KESSLER, Judge