

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

FILED BY CLERK

NOV 21 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE ALEXIS E.

) 2 CA-JV 2011-0084
) DEPARTMENT A
)
) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure
)
)
)

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100JV200700359

Honorable Craig A. Raymond, Judge Pro Tempore

APPEAL DISMISSED

Camille Hernandez

Florence
Attorney for Appellant

James P. Walsh, Pinal County Attorney
By Mercedes Goates

Florence
Attorneys for Appellee

H O W A R D, Chief Judge.

¶1 Appellant Alexis E. was adjudicated delinquent after he admitted he had engaged in disorderly conduct, as alleged in a delinquency petition filed in July 2010. The juvenile court placed Alexis on intensive probation for a one-year period. After he violated the terms of that probation by leaving his home without the permission of his probation officer and testing positive for alcohol use, the court ordered Alexis committed to the Arizona Department of Juvenile Corrections (ADJC) until his eighteenth birthday.

¶2 On appeal Alexis alleges the juvenile court violated his due process rights “by failing to consider and give due weight to mitigating evidence which suggested that commitment to [ADJC] was excessive.” He argues the court should have “ascertain[ed] the position of the Guardian ad Litem,” whom he maintains would have recommended “that reinstatement to probation was appropriate.” And he asserts the court “failed to give due consideration” to the fact that he had received a high score on the General Equivalency Diploma exam.

¶3 The state, however, contends this appeal is moot because Alexis’s eighteenth birthday has passed, and he therefore has completed the term of commitment imposed. Alexis has declined to address the state’s claim, instead filing only a notice in lieu of a reply and stating, without citation, that the state’s brief “is without merit.” “A failure to reply to arguments raised in an answering brief may justify a summary disposition of an appeal,” *Ariz. Dep’t of Pub. Safety v. Indus. Comm’n*, 170 Ariz. 275,

277, 823 P.2d 1283, 1285 (App. 1991), and does so here. The appeal therefore is dismissed.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge