

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

DEC -6 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE BRENARD B.)
) 2 CA-JV 2012-0102
) DEPARTMENT A
)
) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure
)
_____)

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. JV200800379

Honorable Craig A. Raymond, Judge Pro Tempore
Honorable Brenda E. Oldham, Judge

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Minor

HOWARD, Chief Judge.

¶1 Brenard B. was adjudicated delinquent after admitting charges in two delinquency petitions. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), see also *In re Maricopa Cnty. Juv. Action No. JV-117258*, 163 Ariz. 484, 788 P.2d 1235 (App. 1989), assuring this court she “thoroughly reviewed the Record on Appeal and transcripts from the hearings and has found no arguable issues on appeal.” She has requested that we search the record for reversible error.

¶2 At a hearing on July 26, 2012, Brenard established factual bases for charges in two delinquency petitions. With respect to the petition that had just been filed, on July 23, 2012, Brenard admitted he had committed possession of less than two pounds of marijuana and possession of drug paraphernalia (baggie), both class one misdemeanors. He also admitted allegations in a petition that had been filed on June 7, 2012, which was amended to reflect misdemeanor offenses rather than felonies to avoid Brenard's transfer for prosecution as an adult based on previous felony adjudications, *see* A.R.S. §§ 8-302; 13-501(A)(6); 13-3405(A)(1), (B)(1) (possession of less than two pounds of marijuana); 13-3415(A) (possession of drug paraphernalia); 13-1602 (criminal damage). The juvenile court committed Brenard to the Arizona Department of Juvenile Corrections until his eighteenth birthday and ordered him to pay restitution, as he had agreed he would be required to do.

¶3 The record supports the adjudications, establishing, as the juvenile court found, there were adequate factual bases for the admissions and Brenard's admissions were knowing, voluntary and intelligent. The record also establishes the court exercised its broad discretion soundly in determining the appropriate disposition. *See In re Themika M.*, 206 Ariz. 553, 554, ¶ 5, 81 P.3d 344, 345 (App. 2003) (juvenile court has broad discretion to determine appropriate disposition of minor adjudicated delinquent and its disposition determination will not be reversed absent an abuse of discretion). Given Brenard's lengthy history of criminal conduct, which the court considered, together with other relevant circumstances, we have no basis for disturbing the disposition.

¶4 The juvenile court's orders adjudicating Brenard delinquent and the disposition, including the order of restitution, are affirmed.

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Judge