IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

IN RE S.H.

No. 2 CA-JV 2015-0108
Filed January 22, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Pima County
No. JV20140746
The Honorable Jennifer P. Langford, Judge Pro Tempore

AFFIRMED

COUNSEL

Barbara LaWall, Pima County Attorney
By Kara Crosby, Deputy County Attorney, Tucson
Counsel for State

Steven R. Sonenberg, Pima County Public Defender
By Susan C. L. Kelly, Assistant Public Defender, Tucson
Counsel for Minor

MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Miller concurred.

E C K E R S T R O M, Chief Judge:

¶1 S.H. appeals from the juvenile court's orders adjudicating him delinquent for second-degree burglary and placing him on probation. We affirm the court's adjudication and disposition.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 744 (1967), *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), and *In re Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989), avowing she has reviewed the record and found no issue to be raised on appeal. Counsel has also complied with the requirements of *Clark* by "setting forth a detailed factual and procedural history of the case with citations to the record," satisfactorily demonstrating that she "has in fact thoroughly reviewed the record." 196 Ariz. 530, ¶ 32, 2 P.3d at 97. She asks this court to review the record for error.

¶3 S.H. was charged by delinquency petition with committing a burglary of I.R.'s residence in October 2014.[1] "[W]e view the evidence in the light most favorable to sustaining the adjudication." *In re John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d 772, 774

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[1] Although counsel's opening brief also refers to S.H.'s admission to and adjudication of delinquency for solicitation to commit trafficking in stolen property, as "amended count one" of the same delinquency petition, it appears, from counsel's subsequent filings in this court and S.H.'s notice of appeal, that S.H. has waived any right to appeal his adjudication of delinquency for solicitation.

(App. 2001). So viewed, the evidence established that S.H. acted as a lookout while his companion entered the residence and stole a television.[2]

¶4 We conclude substantial evidence supported the juvenile court's finding that S.H. was responsible for burglary in the second degree. *See* A.R.S. § 13-1507; *see also* A.R.S. §§ 13-301, 13-303 (accomplice liability). We further conclude the court's disposition was statutorily authorized. *See* A.R.S. § 8-341(A)(1)(a). We have found no fundamental error, no reversible error, and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744.

¶5 Accordingly, we affirm the court's adjudication and disposition orders.

[2] Counsel suggests we consider, as an "arguable issue," whether the juvenile court "erred in finding that the State established, beyond a reasonable doubt, that S.H. participated in the burglary as an accomplice . . . as opposed to being merely present." It appears counsel has used the phrase "arguable issue" in "the unusual way" the Supreme Court used it in *Anders*, to mean "an issue arguably supporting the appeal," even though the issue "does not warrant a merits brief." *Smith v. Robbins*, 528 U.S. 259, 285 (2000). We concur with counsel's assessment that a brief on the merits was not required. *See State v. Montano*, 204 Ariz. 413, ¶ 43, 65 P.3d 61, 71 (2003) (in reviewing sufficiency of evidence, appellate court will sustain conviction if any rational trier of fact could have found essential elements of crime beyond a reasonable doubt).