

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE T.T.

No. 2 CA-JV 2017-0072
Filed June 21, 2017

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NOT FOR PUBLICATION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. JV20150119
The Honorable Dean Christoffel, Judge Pro Tempore

AFFIRMED

COUNSEL

Barbara LaWall, Pima County Attorney
By Bunkye Chi, Deputy County Attorney, Tucson
Counsel for State

Suzanne Larson, Tucson
Counsel for Minor

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Miller concurred.

S T A R I N G, Presiding Judge:

¶1 T.T., born August 2000, was adjudicated delinquent after he admitted allegations in a delinquency petition. The juvenile court committed him to the Arizona Department of Juvenile Corrections (ADJC), which, on appeal, he argues amounted to an abuse of discretion. Finding no error, however, we affirm.

¶2 T.T. was first adjudicated delinquent in April 2015, after admitting to having committed disorderly conduct and criminal damage, and was placed on probation. In November 2015, he admitted several probation violations as well as having committed solicitation to commit third-degree burglary, assault, and shoplifting. He was adjudicated delinquent and placed on Juvenile Intensive Probation Supervision (JIPS). He was again adjudicated delinquent after admitting having committed false reporting to a law enforcement officer and additional probation violations in April 2016. The juvenile court again placed T.T. on JIPS. In late 2016, he admitted having violated probation terms and was again adjudicated delinquent and placed on JIPS.

¶3 In March 2017, T.T. admitted having committed third-degree burglary and criminal trespass and was adjudicated delinquent. The juvenile court committed T.T. to ADJC “for a period of no less than 30 days.” The court found commitment was “required for the protection of the community,” that less-restrictive alternatives were unavailable, and that commitment was “the last true opportunity for rehabilitation.” The court further found commitment was appropriate because of T.T.’s “pattern of conduct characterized by persistent and delinquent offenses that cannot be controlled in a less secure setting.” This appeal followed.

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¶4 T.T. argues the juvenile court abused its discretion by committing him to ADJC because he had obtained employment, completed his GED, was planning to attend college, and had complied with his release conditions for a week. T.T. also notes that one member of the placement committee disagreed that he should be committed to ADJC.

¶5 “We will not disturb a juvenile court’s disposition order absent an abuse of discretion.” *In re John G.*, 191 Ariz. 205, ¶ 8, 953 P.2d 1258, 1260 (App. 1998). Commitment to ADJC is among the disposition alternatives available to the juvenile court for a minor adjudicated delinquent. *See* A.R.S. § 8-341(A)(1)(e); *see also* A.R.S. § 41-2816(C) (authorizing ADJC and juvenile court to develop length-of-stay guidelines “consistent with both treatment and public safety considerations”); Ariz. Code of Jud. Admin. § 6-304 (commitment guidelines). In determining the appropriate disposition and before committing a juvenile to ADJC, the court must consider the commitment guidelines in § 6-304, although it is not required to follow them. *See In re Niky R.*, 203 Ariz. 387, ¶¶ 11-12, 55 P.3d 81, 84 (App. 2002).

¶6 The juvenile court’s decision is consistent with the commitment guidelines. *See generally* Ariz. Code of Jud. Admin. § 6-304(C). T.T.’s repeated violations of the terms of his probation and numerous delinquency adjudications for conduct that would be criminal if he were an adult are more than sufficient to justify the court’s disposition here. *See Niky R.*, 203 Ariz. 387, ¶ 22, 55 P.3d at 86. Further, T.T.’s argument amounts to a request that we reweigh the factors relevant to his disposition. We decline to do so. *Cf. State v. Towery*, 186 Ariz. 168, 189, 920 P.2d 290, 311 (1996) (appellate court will not reweigh sentencing factors).

¶7 We affirm the juvenile court’s adjudication of T.T. as delinquent and the disposition committing him to ADJC.