

STATE OF MICHIGAN
COURT OF APPEALS

In re LENNARD LASTER.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LENNARD LASTER,

Defendant-Appellant.

UNPUBLISHED

September 10, 1999

No. 206457

Wayne Probate Court

Juvenile Division

LC No. 95-325508

Before: Markman, P.J., and Saad and Houk,* JJ.

MEMORANDUM.

Defendant appeals as of right from the decision committing him to the custody of the Family Independence Agency (FIA) following his plea-based conviction of probation violation. We affirm.

Defendant (DOB 12-16-80) was placed on probation for breaking and entering with intent to commit larceny, MCL 750.110; MSA 28.305. Subsequently, he was charged with probation violation for incorrigibility and truancy, MCL 712A.2(a)(3); MSA 27.3178(598.2)(a)(3). At a hearing before a referee, defendant agreed to plead guilty to the charge of incorrigibility in return for dismissal of the charge of truancy. In pleading guilty, defendant admitted that he repeatedly disregarded the curfew set by his mother, that he left home without permission and without informing his mother of his destination, and that he refused his mother's instructions to do chores around the house. Defendant acknowledged that he knew that his actions constituted a violation of his probation. The court found that defendant had violated his probation, and committed him to the custody of the FIA.

In juvenile proceedings, a violation of probation must be proven by a preponderance of the evidence. *In re Belcher*, 143 Mich App 68, 74; 371 NW2d 474 (1985).

* Circuit judge, sitting on the Court of Appeals by assignment.

Defendant argues that the factual basis presented at the hearing was insufficient to support a finding that he was guilty of violating his probation. We disagree and affirm. Support for a plea offered by a juvenile can be established by questioning the juvenile or “by other means” when the plea is one of admission. MCR 5.941(3)(a). The charge of incorrigibility encompasses repeated disobedience to the reasonable and lawful commands of the juvenile’s parents. MCL 712A.2(a)(3). Defendant’s own testimony established that he repeatedly disregarded the curfew set by his mother, that he disregarded his mother’s instructions to inform her of his destination when he left the house, and that he refused his mother’s instructions to perform chores around the house. Defendant does not contend that his mother’s requirements that he adhere to a curfew and inform her of his whereabouts were unreasonable. The concept of disobeying a parent’s command includes the refusal to do chores around the house. MCL 712A.2(a)(3) should be construed in a way that avoids an absurd or unreasonable result. *In re Weiss*, 224 Mich App 37, 41; 568 NW2d 336 (1997). Defendant’s plea was supported by the requisite evidence. *Belcher, supra*.

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk