

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re MARTEZ E. SMITH, Minor.

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PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

MARTEZ E. SMITH,

Respondent-Appellant.

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UNPUBLISHED

June 16, 2000

No. 213967

Wayne Circuit Court

Family Division

LC No. 94-313711

Before: Hoekstra, P.J., and Holbrook, Jr., and Zahra, JJ.

MEMORANDUM.

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

Respondent (DOB 4/24/82) was charged with unlawful driving away of an automobile (UDAA), MCL 750.413; MSA 28.645, receiving or concealing stolen property over \$100, MCL 750.535; MSA 28.803, malicious destruction of property, MCL 750.377a; MSA 28.609(1), operating a motor vehicle without an operator's license, MCL 257.311; MSA 9.2011, and violating probation by being truant from school. At the June 4, 1998 delinquency adjudication hearing, the court dismissed the charges of UDAA, receiving or concealing stolen property, and malicious destruction of property. Respondent then pleaded guilty to operating a motor vehicle without a valid operator's license, and to violating his probation by being truant from school. The parties agreed to proceed to disposition immediately. The court committed respondent to the custody of the FIA. The court stated that it based its decision on respondent's failure to improve his conduct while on probation.

Respondent argues that the court abused its discretion by committing him to the FIA. We disagree. The right to review of sentencing decisions applies to juvenile court proceedings. *In re Chapel*, 134 Mich App 308, 314; 350 NW2d 871 (1984). Sentencing decisions in juvenile court are

reviewed under the abuse of discretion standard. MCL 712A.18; MSA 27.3178(598.18); *People v Thenghkam*, 240 Mich App 29, 42; \_\_\_ NW2d \_\_\_ (2000).

Upon a finding that a juvenile has violated terms of probation, the court may make a supplemental disposition, including revoking probation and committing the juvenile to the FIA. MCR 5.944(A)(6). Respondent was placed on probation for the offenses of fleeing and eluding a police officer, MCL 750.479a; MSA 28.747(1), and receiving or concealing stolen property. One condition of that probation was that he attend school on a regular basis. By his own admission, respondent violated his probation by being repeatedly absent from school. The evidence showed that he missed over one hundred periods in a span of two months. Moreover, respondent continued to have negative contact with the juvenile justice system while on probation. The court's reasons for committing respondent to the FIA were his failure to improve his conduct while on probation, notwithstanding the furnishing of services to help him do so, and his failure to accept responsibility for the consequences of his actions. We conclude that the court's decision to commit respondent to the FIA did not constitute an abuse of discretion. *Thenghkam, supra* at 42.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Donald E. Holbrook, Jr.

/s/ Brian K. Zahra