

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Dawan Andre Harris, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

DAWAN ANDRE HARRIS,

Respondent-Appellant.

UNPUBLISHED

May 25, 2001

No. 221053

Wayne Circuit Court

Juvenile Division

LC No. 96-345837

Before: Jansen, P.J., and Zahra and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right the order committing him to the custody of the Family Independence Agency. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent pleaded guilty to felonious assault, carrying a concealed weapon, and felony-firearm and was placed on probation. He pleaded guilty to violating probation after he tested positive for marijuana use. At the probation violation hearing, respondent's father testified that he believed he could arrange counseling and therapy for respondent. The referee found that there was no solid plan for community placement, and recommended that respondent be committed to a medium security detention facility under the supervision of the Family Independence Agency. The court accepted the referee's recommendation and ordered the respondent committed to the Family Independence Agency. The respondent's parents requested that the court review the referee's recommendation. The court did so and affirmed the referee's recommendation.

This Court will review the disposition of a juvenile case for abuse of discretion. *In re Scruggs*, 134 Mich App 617; 350 NW2d 916 (1984). A judge must affirm the referee's recommendation unless the judge would have reached a different result had he or she heard the case, or the referee committed a clear error of law that affected the outcome. MCR 5.991(D).

There is no showing that the court abused its discretion in affirming the referee's recommendation. There is no question that respondent is in need of supervision and treatment. Although respondent's father presented an alternative plan, he did not show that he was able to

provide the necessary environment to meet respondent's needs. The decision to commit respondent to the care of the Family Independence Agency is supported by the record.

Affirmed.

/s/ Kathleen Jansen

/s/ Brian K. Zahra

/s/ Donald S. Owens