

STATE OF MICHIGAN
COURT OF APPEALS

In re KHALIL ANTONIO GLADSON.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

KHALIL ANTONIO GLADSON,

Respondent-Appellant.

UNPUBLISHED

November 16, 2010

No. 294155

Wayne Circuit Court

Juvenile Division

LC No. 05-445877-DL

Before: BECKERING, P.J., and JANSEN and TALBOT, JJ.

PER CURIAM.

Respondent (d/o/b December 14, 1995) appeals as of right from an order committing him to the Wayne County Department of Human Services (DHS) following respondent's conviction for first-degree home invasion, MCL 750.110a(2). We affirm.

Respondent was charged with a variety of offenses, including three counts of malicious destruction of property, one count of assault and battery for a disturbance at school, and two counts of first-degree home invasion. Respondent pleaded no contest to one count of first-degree home invasion in exchange for the dismissal of the remaining charges. A Clinic for Child Study evaluation recommended respondent's placement in a secure residential facility. In light of the Clinic's recommendation, the trial court committed respondent to Wayne County DHS for placement and planning, allowing DHS to determine whether respondent needed to reside in a secured or non-secured facility.

Respondent argues that the trial court abused its discretion in failing to order a less restrictive disposition. We review the trial court's dispositional order for an abuse of discretion. *In re Ricks*, 167 Mich App 285, 295; 421 NW2d 667 (1988). An abuse of discretion will be found if the court's decision was outside the range of principled outcomes. *People v Babcock*, 469 Mich 247, 269; 666 NW2d 231 (2003). Upon finding that respondent was guilty of an offense, the trial court had the discretion to enter any order of disposition that was appropriate for the welfare of respondent and society, including committing respondent to the DHS for placement in a secured or non-secured facility. MCR 3.943(E); MCL 712A.18.

The Clinic report revealed that respondent had two prior contacts with the court -- a truancy violation in September 2005, and a curfew violation in October 2007. Respondent had lived with his maternal grandmother since the age of three. Respondent's mother chose not to be his primary caregiver because of her husband's failure to accept respondent and his ethnic background. Respondent felt effectively abandoned by both parents. Respondent's grandmother also cared for her two children, aged 16 and eight. The grandmother worked at CVS and was often out of the home. Respondent spent a great deal of time alone without adult supervision. His grandmother believed that one of respondent's cousins with whom he spent a great deal of time was responsible for much of respondent's troubles. Respondent admitted that he smoked marijuana and drank alcohol since the age of 11 and that marijuana helped him cope.

The psychiatric social worker noted that respondent displayed characteristics of someone who suffered from depression. Respondent and his grandmother seemed to minimize respondent's involvement in the home invasion. The Clinic evaluation noted that respondent displayed risky behaviors and had "a history of breaking into homes, stealing from stores, destroying property in his grandmother's home, . . . and a history of poor academic performance in 2005 that consisted of truancy, consistent substance abuse and alcohol abuse, poor peer relations and affiliation with delinquent peers and unresolved familial issues." The psychologist noted that respondent read and spelled below his eighth grade placement. She found respondent's behavior "to be a reaction to the unresolved grief and the lack of processing of traumatic events that have occurred in his life." Because respondent was hyper-vigilant about being harmed, it was possible that he could react aggressively and unpredictably or seek protection from peers. He was diagnosed with Conduct Disorder, Major Depressive Disorder, possibly Post Traumatic Stress Disorder, and Cannabis and Alcohol Abuse. The Clinic ultimately recommended:

Given the severity of the present offense as well as Khalil's escalating pattern of delinquent behavior, the uncertainty regarding his guardianship, and high level of risk taking behaviors, placement with the Department of Children and Family Services in a secure residential facility that can provide discipline, structure, and intensive rehabilitative services to address the emotional issues that led to the current offense is recommended.

It was clear that respondent did not have adequate supervision, which contributed to his more deep-seated problems. When the court questioned his grandmother about what she would do differently to ensure that respondent was properly supervised, she said she would do whatever it took, but could not offer a specific plan. Under the circumstances, the trial court's decision was appropriate, as it both provided for respondent's particular needs by giving him the opportunity to avail himself of services while in the facility and simultaneously protected society from respondent's escalating behavior.

Affirmed.

/s/ Jane M. Beckering
/s/ Kathleen Jansen
/s/ Michael J. Talbot