

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

IN RE ALEJANDRA R.

No. 1 CA-JV 20-0165

FILED 10-6-2020

Appeal from the Superior Court in Yuma County
No. S1400JV20190278
The Honorable Stephen J. Rouff, Judge *Pro Tempore*

AFFIRMED

COUNSEL

Law Office of Penny Higginbottom, Yuma
By Penny Lynn Higginbottom
Counsel for Appellant

Yuma County Attorney's Office, Yuma
By Jon R. Smith
Counsel for Appellee

MEMORANDUM DECISION

Presiding Judge Jennifer M. Perkins delivered the decision of the Court, in
which Judge David B. Gass and Judge Michael J. Brown joined.

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P E R K I N S, Judge:

¶1 Alejandra R., a juvenile, timely filed this appeal in accordance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297 (1969), and *Maricopa Cnty. Juv. Action No. JV-117258*, 163 Ariz. 484 (App. 1989), from a disposition committing her to the Arizona Department of Juvenile Corrections (“ADJC”).

¶2 Alejandra’s counsel searched the record on appeal and found no arguable question of law, but raises one issue for review at Alejandra’s request. See *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders*, 386 U.S. 738; *State v. Clark*, 196 Ariz. 530 (App. 1999); *JV-117258*, 163 Ariz. at 485–88. After reviewing the entire record, we affirm.

FACTUAL AND PROCEDURAL HISTORY

¶3 In October 2019, the juvenile court adjudicated Alejandra delinquent for possession of drug paraphernalia, a class six undesignated felony, and placed her on twelve months of standard probation with Drug Court conditions. In February 2020, Alejandra’s mother found her unconscious after Alejandra overdosed on fentanyl. Emergency Medical Services transported Alejandra to Yuma Regional Medical Center, and after evaluation, she was subsequently sent to the Oasis Behavioral Health Center in Chandler, where she admitted to overdosing on fentanyl. As a result, Alejandra’s probation officer petitioned to revoke her probation for violating condition four of her Uniform Conditions of Supervised Juvenile Probation and her Drug Court contract. A warrant for Alejandra’s arrest was issued.

¶4 At her detention advisory hearing, the court entered a denial of responsibility on Alejandra’s behalf, appointed a public defender to represent her, and ordered she be held in custody pending a probation violation hearing. At her probation violation hearing, Alejandra knowingly, intelligently, and voluntarily admitted to violating her probation by using fentanyl. The court ordered Alejandra held in detention pending her disposition hearing. She was later released into her mother’s custody and allegedly did not use fentanyl or otherwise violate her probation during the four weeks she spent on house arrest. At the May 4 disposition hearing, following the juvenile predisposition report, the court adjudicated Alejandra delinquent and committed her to ADJC for a minimum secure stay of 30 days.

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¶5 Alejandra timely filed this appeal. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution and A.R.S. sections 12-120.21(A)(1) and 8-235(A).

DISCUSSION

¶6 The record reflects Alejandra knowingly, voluntarily, and intelligently admitted the charges against her and established a factual basis for the charges. Her admission supported the juvenile court's adjudication. The proceedings below were conducted according to the Rules of Procedure for the Juvenile Court. Alejandra was represented by an attorney and was present at all critical stages, including the pre-adjudication and disposition hearings. *See* Ariz. R.P. Juv. Ct. 12(B) (stating an appearance by video conferencing is considered a personal appearance). At all critical stages, Alejandra and her mother received the services of a court interpreter. The court imposed a disposition within its discretion. A.R.S. § 8-341; *see also In re Miguel R.*, 204 Ariz. 328, 332, ¶ 9 (App. 2003).

¶7 Alejandra argues the juvenile court abused its discretion by committing her to ADJC rather than a residential facility. She raises concerns about potentially being exposed to COVID-19 as well as not being available to defense counsel to prepare for an upcoming trial. But juvenile courts have broad discretion to choose the appropriate disposition for delinquent juveniles, including commitment to ADJC, and need not explore all less restrictive alternatives before doing so. *See In re Niky R.*, 203 Ariz. 387, 392, ¶ 21 (App. 2002). The court weighed Alejandra's risk of contracting COVID-19 in ADJC custody against her risk of death or bodily harm from using fentanyl. It concluded she was safer in custody where her substance abuse issues could continue to be treated. The State asserted that, even in ADJC custody, Alejandra and her attorney could prepare for trial by telephone. Alejandra's attorney did not dispute this assertion. We find no abuse of discretion.

CONCLUSION

¶8 We reviewed the entire record for arguable issues of law and find none. *See JV-117258*, 163 Ariz. at 488. Accordingly, we affirm the delinquency finding and disposition.

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¶9 Upon filing of this decision, counsel need do no more than inform Alejandra of the status of her appeal and of her future options unless, upon review, counsel identifies an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584-85 (1984); Ariz. R.P. Juv. Ct. 107(A).



AMY M. WOOD • Clerk of the Court
FILED: AA