

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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 JOSE R.

No. 1 CA-JV 20-0170
FILED 10-29-2020

Appeal from the Superior Court in Yuma County
No. S1400JV20200090
The Honorable Kathryn E. Stocking-Tate, Judge *Pro Tempore*

AFFIRMED

COUNSEL

Elizabeth Brown Attorney at Law, Goodyear
By Elizabeth Brown
Counsel for Appellant

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

MEMORANDUM DECISION

Presiding Judge Randall M. Howe delivered the decision of the Court, in
which Judge Kent E. Cattani and Judge Cynthia J. Bailey joined.

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HOWE, Judge:

¶1 The juvenile, 15-year-old Jose R., appeals his commitment to the Arizona Department of Juvenile Corrections (“ADJC”) until his 18th birthday, with a minimum commitment of twenty-seven (27) months. This appeal is filed in accordance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297 (1969), and *Maricopa Cty. Juv. Action No. JV-117258*, 163 Ariz. 484 (App. 1989). Counsel for Jose has advised this Court that counsel has found no arguable questions of law and asks us to search the record for fundamental error. After reviewing the record, we affirm Jose’s convictions and sentences.

FACTS AND PROCEDURAL HISTORY

¶2 We view the facts in the light most favorable to sustaining the judgment and resolve all reasonable inferences against Jose. *See State v. Fontes*, 195 Ariz. 229, 230 ¶ 2 (App. 1998). In March 2020, Jose, who lives in Mexico, and an accomplice were stopped at a United States Border Patrol checkpoint outside Yuma, Arizona. Jose had .97 pounds of fentanyl in small, round, blue pills marked “M 30” taped to his leg.

¶3 The State filed a Delinquency Petition with the juvenile court alleging Jose delinquent and charged him with count one, transportation of narcotics for sale and count two, possession of narcotics for sale. Jose admitted to a modified count two, attempted possession of narcotic drugs for sale, a class three felony, and count one and count two as originally charged were dismissed with prejudice.

¶4 Before disposition, the juvenile court explored available alternatives through an order to investigate by the Department of Child Services (DCS). A family friend of Jose’s family, who lives in El Centro, California, was made a power of attorney to act on behalf of Jose’s family in Mexico and came forward as a possible placement for Jose.

¶5 At disposition, the juvenile probation officer stated that because of the demands of Juvenile Intensive Probation, it was not available to Jose because his only placement option would be in California. Only standard probation was transferable under the Interstate Compact for the Placement of Children. After consideration of the record, the court committed Jose to ADJC until his 18th birthday. The court explicitly considered the Arizona Supreme Court guidelines regarding commitment of juveniles to ADJC, *see* Code of Judicial Administration (C.J.A.) § 6-304.C Commitment Guidelines (2001), and found Jose required placement in a

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secure-care facility based on the seriousness of his actions, no personal ties to Arizona, and the danger he poses to the community at large, stating that the amount of the drugs taped to his leg indicated that this was not likely the first time he had transported drugs.

DISCUSSION

¶6 We review Jose’s convictions and sentences for fundamental error. *See State v. Flores*, 227 Ariz. 509, 512 ¶ 12 (App. 2011). Counsel for Jose has advised this Court that after a diligent search of the entire record, she has found no arguable question of law.

¶7 We have read and considered counsel’s brief and fully reviewed the record for reversible error, *see Leon*, 104 Ariz. at 300, and *Maricopa Cty. Juv. Action No. JV-117258*, 163 Ariz. at 486, and find none. All the proceedings were conducted in compliance with the Arizona Rules of Procedure for the Juvenile Court. Counsel represented Jose through the entirety of the proceedings. The trial court committed Jose within ADJC’s commitment guidelines. We therefore decline to order briefing and affirm Jose’s convictions and sentences.

¶8 Upon the filing of this decision, defense counsel shall inform Jose of the status of the appeal and of his future options. Counsel has no further obligations unless, upon review, counsel finds an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See State v. Shattuck*, 140 Ariz. 582, 584–85 (1984).

CONCLUSION

¶9 For the foregoing reasons, we affirm.



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