

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz.R.Sup.Ct. 111(c); ARCAP 28(c);  
Ariz.R.Crim.P. 31.24



DIVISION ONE  
FILED: 03/02/2010  
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BY: GH

**IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE**

IN RE BRIANNA C. )  
 ) 1 CA-JV 09-0216  
 )  
 ) DEPARTMENT C  
 )  
 ) **MEMORANDUM DECISION**  
 ) (Not for Publication -  
 ) Ariz.R.P.Juv.Ct.  
 ) 103(G); ARCAP 28)  
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 )

Appeal from the Superior Court in Maricopa County

Cause No. JV 172408

The Honorable Mark H. Brain, Commissioner

**AFFIRMED**

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Andrew P. Thomas, Maricopa County Attorney Phoenix  
by Jeffrey W. Trudgian, Deputy County Attorney  
Attorneys for Appellee

Maricopa County Public Defender Phoenix  
by Eleanor S. Terpstra, Deputy Public Defender  
Attorneys for Appellant

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**I R V I N E**, Presiding Judge

¶1 Brianna C. appeals from the juvenile court's  
adjudication of delinquency for violating probation. The

juvenile's appellate counsel has filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000), *Anders v. California*, 386 U.S. 738 (1967), and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 788 P.2d 1235 (App. 1989), asking this court to search the record for fundamental error. For the reasons that follow, we affirm.

¶2 Brianna's delinquent history includes admissions to misdemeanor shoplifting and misdemeanor criminal trespass in the third degree and the present probation violation offense. The State filed a delinquency petition alleging that the juvenile violated the terms of her probation by failing to follow her parents' established rules. A change of plea hearing was held on May 19, 2009, at which the juvenile admitted to leaving her home for more than 24 hours at a time. After informing the juvenile of her constitutional rights and of the dispositional alternatives available, the juvenile court found that the juvenile knowingly, intelligently, and voluntarily entered an admission to the petition. Following the plea hearing, the juvenile court committed Brianna to detention until May 26, 2009, the date of the disposition hearing. At the disposition hearing, the juvenile court imposed 45 days deferred detention and affirmed the financial assessments.

¶3 At a status hearing on August 18, 2009, the juvenile court committed Brianna to detention for two days, based on her

failure to submit to weekly drug tests. He ordered her to submit to a drug test after the hearing and each week thereafter.

¶4 On November 5, 2009, the parties returned for a status hearing based upon Brianna violating the terms of probation by not going to school, leaving the house for more than 24 hours at a time, and testing positive for drugs in October 2009. The juvenile court ordered that Brianna be detained until November 11, 2009, at which time she would be unsuccessfully released from probation. She turned eighteen on December 31, 2009. The juvenile court reasoned:

School was mandatory. The idea was that by getting her education, for example, that would ultimately get her in a place where she could be successful as an adult. She's not going to do that now. She's made it impossible. Locking her up for the week does hopefully drive home at least the limited idea that there are consequences for failing to obey court orders . . . [S]he needed to be good and stay out of trouble. She's failed to do so. She's used marijuana. The lesson is that there are consequences for failing to obey those orders. They still won't make her a successful probationer.

¶5 The court has read and considered counsel's brief and has fully reviewed the record for reversible error. See *JV-117258*, 163 Ariz. at 488, 788 P.2d at 1239. We find none. The record shows that all of the proceedings were conducted in compliance with the laws of this State and the applicable rules of the court. See Ariz.R.P.Juv.Ct. 6, 29, and 30. The record

shows that the juvenile was represented by counsel at all stages of the proceedings and is represented by counsel on this appeal. The disposition falls within the authority of the juvenile court.

¶6 Upon the filing of this decision, defense counsel shall inform Brianna of the status of her appeal and of her future options. Defense 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, 684 P.2d 154, 156-57 (1984). Brianna has thirty days from the date of this decision to proceed, if desired, with a petition for review.

¶7 For the foregoing reasons, we affirm Brianna's detention and release from probation.

/s/

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PATRICK IRVINE, Presiding Judge

CONCURRING:

/s/

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MICHAEL J. BROWN, Judge

/s/

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DONN KESSLER, Judge