

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

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE



DIVISION ONE  
FILED: 07-29-2010  
PHILIP G. URRY, CLERK  
BY: DN

IN RE CARL G. ) 1 CA-JV 09-0236  
)  
) DEPARTMENT A  
)  
) **MEMORANDUM DECISION**  
) (Not for Publication -  
) 103(G) Ariz.R.P. Juv.  
) Ct.; Rule 28 ARCAP)  
)

Appeal from the Superior Court in Maricopa County

Cause No. JV547564

The Honorable Mark F. Aceto, Judge

**AFFIRMED**

---

James J. Haas, Maricopa County Public Defender Phoenix  
By Eleanor S. Terpstra  
Attorneys for Appellant

Richard M. Romley, Maricopa County Attorney Phoenix  
By Jeffrey W. Trudgian  
Attorney for Appellee

---

O R O Z C O, Judge

¶1 Carl G. (Juvenile) timely appeals the order requiring him to register as a sex offender until the age of twenty-five.

¶2 Juvenile's counsel has filed an opening brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and

*State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), advising this Court that after a search of the entire record on appeal, she finds no reversible error or arguable issues for appeal. Through counsel, Juvenile claims that the judge erred in ordering him to register as a sex offender after he had successfully completed the sex offender treatment program at the Arizona Department of Juvenile Corrections (ADJC). Counsel asks that this Court search the record for error.

¶3 Our obligation in this appeal is to review "the entire record for reversible error." *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999). We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and Arizona Revised Statutes (A.R.S.) sections 12-120.21.A.1 (2003), 13-4031, -4033.A.3 (2010), 8-235 (2010) and Rule 103, Arizona Rules of Juvenile Procedure.<sup>1</sup> When reviewing the record, "absent clear abuse of discretion, we will not disturb that disposition." *In re Sean M.*, 189 Ariz. 323, 324, 942 P.2d 482, 483 (App. 1997). After reviewing the entire record on appeal, we find no reversible error and therefore, affirm the order requiring Juvenile to register as a sex offender until the age of twenty-five.

---

<sup>1</sup> We cite to the current version of the applicable statutes and rules when no revisions material to this decision have since occurred.

## FACTS AND PROCEDURAL HISTORY

¶4 When Juvenile was fourteen years old, the State filed charges against him for sexual conduct with a minor under fifteen years and child molestation.

¶5 Juvenile was detained and subsequently agreed to plead delinquent to attempted child molestation, a class 3 felony, and the State dismissed the charge of sexual conduct with a minor. At the Adjudication Hearing, Juvenile admitted that his younger sister was eleven years old when he engaged in sexual conduct with her. A psychosexual evaluation and risk assessment resulted in a determination that Juvenile was at moderate risk for further sexual misconduct.

¶6 Juvenile remained in detention until the Disposition Hearing. The juvenile court found Juvenile delinquent and placed him on standard probation under the physical custody of his father. Pursuant to the terms of his probation, Juvenile was required to successfully complete the Youth Development Institute (YDI) Chaperone Program, an outpatient treatment program for juvenile sex offenders. During this hearing, the juvenile court deferred the issue of sex offender registration and reserved jurisdiction to require registration at a later date.

¶7 Approximately eight months after the Disposition Hearing, Juvenile's probation officer filed a violation of

probation petition due to Juvenile's failure to successfully complete the YDI Chaperone Program. Juvenile was discharged from the YDI program for failing one sexual history polygraph test and receiving two inconclusive results upon subsequent attempts at the test. Juvenile admitted violating the terms of his probation.

¶18 The YDI Termination/Discharge Summary identified Juvenile in the moderate range for re-offense based on admissions that he repeatedly molested his sister between the ages of nine and fourteen, repeatedly molested his younger male cousin between the ages of thirteen and fourteen, and made sexual contact with his brother.

¶19 As a result, the juvenile court committed Juvenile to the ADJC for no less than nine months or upon the successful completion of a designated therapeutic program. Juvenile was committed to ADJC, rather than residential treatment, because of the "gravity" of his deviant behavior. The juvenile court quoted from the most current information report, which stated:

Carl has been holding onto this information and refusing to address his issues by being [sic] demonstrating a pattern of dishonesty that is not amenable to treatment. The dishonesty is of significant concern given that the polygraph results indicated that the juvenile had the most physiological response to the question regarding his sexual contact with minors that has not been disclosed.

¶10 The juvenile court again discussed sex offender registration and again deferred the issue of registration. A notice of appeal was timely filed and the appeal dismissed by this Court.<sup>2</sup> Juvenile remained in detention at ADJC for approximately ten months while completing the NOVA sex offender treatment program, until he was released to his father at age sixteen.

¶11 Prior to Juvenile's release from ADJC, the State requested a hearing regarding sex offender registration pursuant to A.R.S. § 13-3821 (2010) and a review of status hearing was set. A psychosexual evaluation, including personality and intelligence tests, was completed before the status hearing. The report indicated that neither the probation officer nor Juvenile's ADJC therapist recommended sex offender registration and Juvenile had successfully completed the NOVA sex offender treatment program.

¶12 At the hearing, the State argued that Juvenile should be required to register and voiced concern about the lack of information regarding Juvenile's current risk for further sexual misconduct. It argued that the most current information report failed to update the sex offender risk assessment tests that

---

<sup>2</sup> This Court ordered the appeal dismissed after consideration of Juvenile's motion to dismiss, finding the motion properly supported by a statement of understanding and consent signed by Juvenile.

were completed approximately a year before. The State also indicated that based on the information available it would have made a specific request for registration at the disposition hearing. Because of the lack of current information on Juvenile's risk for sexual re-offense, the State recommended that registration be required.

¶13 Juvenile argued that registration should not be required because he had successfully completed the ADJC sex offender treatment program as required. The juvenile court ultimately acknowledged that Juvenile had worked hard at ADJC and made improvements, yet after considering all of the circumstances and information available, ordered Juvenile to register as a sex offender until the age of twenty-five pursuant to A.R.S. § 13-3821. This appeal timely followed.

#### DISCUSSION

¶14 This Court reviews the juvenile court's disposition for clear abuse of discretion. *In re Sean M.*, 189 Ariz. at 324, 942 P.2d at 483; *Matter of Maricopa County Juvenile Action No. JV-503009*, 171 Ariz. 272, 274, 830 P.2d 484, 486 (App. 1992). Juvenile asserts that the juvenile court erred in ordering registration because he successfully completed the sex offender treatment at ADJC. The juvenile court considered Juvenile's successful completion of the ADJC treatment program, as well as his probation violation and the content of the psychosexual

evaluations and polygraph results in its determination that sex offender registration would be required. We find no error in the record before us and the juvenile court did not abuse its discretion in ordering Juvenile to register as a sex offender.

¶15 Section 13-3821.A.7 (2010) requires that a person, who has been convicted of a violation or an attempted violation of any of the enumerated sexual offenses, including child molestation pursuant to A.R.S. §13-1410 (2010), shall register as a sex offender with the local sheriff's office.

¶16 Section 13-3821.D provides that a court may require a person, who has been adjudicated delinquent in violation of an offense under § 13-3821.A, to register as a sex offender until the age of twenty-five. Juvenile was adjudicated delinquent for attempted child molestation, an enumerated statutory offense, and therefore, the juvenile court had the authority to require Juvenile to register as a sex offender until the age of twenty-five. We find no abuse of discretion.

¶17 The juvenile court held the deferred review of status hearing and received and reviewed Juvenile's most current report from ADJC and his psychosexual evaluation. The contents of these reports were addressed by counsel for both parties during the hearing. Pursuant to A.R.S. § 13-3821, the juvenile court was within its discretion to require Juvenile to register as a sex offender.

¶18 The record before us reflects that Juvenile was present and represented by counsel during every proceeding against him and that the juvenile court afforded him all of his rights under the constitution, our statutes, the Arizona Rules of Criminal Procedure and the Arizona Rules of Procedure for the Juvenile Court. See *Clark*, 196 Ariz. at 541, ¶ 50, 2 P.3d at 100. The juvenile court interviewed Juvenile at each proceeding and determined that his admissions of attempted child molestation and probation violation were voluntary and supported by a factual basis. We find no error.

#### CONCLUSION

¶19 We have read and considered counsel's brief, have carefully searched the entire record for reversible error, and have found none. *Clark*, 196 Ariz. at 541, ¶ 49, 2 P.3d at 100. All of the proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure and the Arizona Rules of Procedure for the Juvenile Court.

¶20 Counsel's obligations pertaining to Juvenile's representation in this appeal have ended. Counsel need do nothing more than inform Juvenile of the status of the appeal and his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). See Ariz.R.P.Juv.Ct. 107(A). For



the foregoing reasons, we affirm Juvenile's disposition and the order to register as a sex offender.

/S/

---

PATRICIA A. OROZCO, Presiding Judge

CONCURRING:

/S/

---

DANIEL A BARKER, Judge

/S/

---

LAWRENCE F. WINTHROP, Judge