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EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 12/09/10
RUTH WILLINGHAM,
ACTING CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

IN RE: JACQUELINE M.)
) No. 1 CA-JV 10-0203
)
) DEPARTMENT B
)
) **MEMORANDUM DECISION**
)
) (Not for Publication -
) Ariz. R. P. Juv. Ct. 103(G);
) ARCAP 28)
)

Appeal from the Superior Court in Maricopa County

Cause No. JV177437

The Honorable A. Craig Blakey, II, Judge

AFFIRMED

William Montgomery, Maricopa County Attorney Phoenix
By Jeffrey W. Trudgian, Deputy County Attorney
Attorneys for Appellee

James J. Haas, Maricopa County Public Defender Phoenix
By Suzanne W. Sanchez
Deputy Juvenile Public Defender
Attorneys for Appellant

J O H N S E N, Judge

¶1 Jacqueline M. appeals a restitution award the superior court entered after she admitted to disorderly conduct, a Class 1 misdemeanor. Her appeal was timely filed in accordance with

Anders v. California, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Jacqueline's counsel has searched the record on appeal and found no arguable question of law that is not frivolous. See *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders*, 386 U.S. 738; *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999); *Maricopa County Juv. Action No. JV-117258*, 163 Ariz. 484, 485-88, 788 P.2d 1235, 1236-39 (App. 1989). Counsel now asks this court to search the record for fundamental error. She also states that Jacqueline suggests we determine whether the superior court abused its discretion in awarding restitution to compensate the victim's mother for lost wages. After reviewing the entire record, we affirm the superior court's restitution award.

FACTS AND PROCEDURAL HISTORY

¶12 Jacqueline admitted to disorderly conduct by "engaging in some seriously destructive behavior." Prior to accepting her plea, the court advised Jacqueline that she might be obligated to pay restitution to the victims. Although the amount of restitution was not discussed at the change-of-plea hearing, prior to that date, the mother of the teen victim had filed a verified statement of financial loss in which she sought a total of \$533. At the subsequent restitution hearing, the mother of the victim testified she had to take two days off work to tend

to her daughter, who was emotionally upset after the incident for which Jacqueline was adjudicated. She testified she works from 4:30 a.m. to 5:30 or 6:00 p.m. and is paid \$17.21 an hour, but asked for only \$408 in wage reimbursement for the two days of lost work. She also testified she had to take off three hours of work to attend the restitution hearing and that her daughter incurred a medical bill of \$25. Finally, she asked for \$100 to reimburse her for the cost of the cell phone she said she had to replace after the incident. The court awarded the victim's mother \$484.63, including reimbursement for the amount she sought in wages for the two days off work, wages for the hours lost to go to the hearing, and the medical bill. The court did not award restitution for the cost of the cell phone.

¶3 Jacqueline timely appealed. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, and A.R.S. §§ 12-120.21(A)(1) (2003) and 8-235(A) (2007).

DISCUSSION

¶4 The court may order restitution for actual economic losses caused by the juvenile's offense. A.R.S. § 8-344(A) (2007). We review a superior court's restitution order for an abuse of discretion, and we view the evidence in the light most favorable to upholding the court's judgment. *In re Andrew C.*, 215 Ariz. 366, 367, ¶ 6, 160 P.3d 687, 688 (App. 2007).

Substantial evidence supported the superior court's order of restitution. In addition to the mother's testimony and verified statement, the court received a letter from her employer stating the specific days she missed work and the stated reason for her absence. Despite Jacqueline's contention that the restitution request amounted to a request to be reimbursed for pain and suffering, the court ruled "that the loss [was] certainly economic . . . as it pertains to mother." The court found the wage loss analogous to situations in which "parents ordinarily would be entitled to lost wages for taking a child victim to medical appointments, counseling, things like that." In ordering the award, the court specifically cited the letter from the mother's employer, which referenced her honesty, exemplary work ethic and her devotion to her family.

¶15 Moreover, the proceedings were conducted in compliance with the Arizona Rules of Procedure for the Juvenile Court. Jacqueline was present and represented by counsel at all stages of the proceedings and the restitution award was within the court's discretion.

CONCLUSION

¶16 We have read and considered counsel's brief and searched the entire record for fundamental error. See *JV-117258*, 163 Ariz. at 488, 788 P.2d at 1239. We find none.

¶7 After the filing of this decision, defense counsel's obligations pertaining to Jacqueline's representation in this appeal have ended. Defense counsel only need inform Jacqueline of the outcome of this appeal and her future options, 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); Ariz. R.P. Juv. Ct. 107(A).

/s/
DIANE M. JOHNSEN, Presiding Judge

CONCURRING:

/s/
MICHAEL J. BROWN, Judge

/s/
JOHN C. GEMMILL, Judge