

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



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FILED: 02/22/11  
RUTH WILLINGHAM,  
ACTING CLERK  
BY: DLL

IN RE LAMONT T. ) 1 CA-JV 10-0259  
)  
) 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) (Not for Publication -  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. JV553328

The Honorable David K. Udall, Judge

**AFFIRMED**

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William Montgomery, Maricopa County Attorney  
by Jeff W. Trudgian, Deputy County Attorney  
Appeals Bureau Chief  
Attorneys for Appellee

Phoenix

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

Mesa

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**B A R K E R**, Judge

¶1 Lamont T. appeals from the disposition order finding him in violation of his probation terms and ordering him to serve a minimum of six months in the Arizona Department of Juvenile Corrections ("ADJC"). Lamont's counsel, finding no arguable grounds for appeal, filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989). This court's obligation under *Anders* is to search the record for fundamental error. 386 U.S. at 744. Having done so, we affirm.

#### ***Facts and Procedural History***

¶2 On June 23, 2010, Lamont (fifteen years old) pleaded delinquent to felony attempted sexual conduct with a minor under the age of fifteen. The juvenile court placed Lamont in residential treatment with the Youth Development Institute ("YDI") on standard probation with additional sex offender terms. Five months later, Lamont's probation officer filed a three-count probation violation petition on November 9, 2010.

¶3 While at YDI, Lamont behaved erratically. At the time of the November 18 advisory hearing, Lamont's YDI therapist testified that Lamont recently changed medications and that he now completed his work with increased focus. However, despite coordinated treatment for bipolar disorder, gender identity disorder, and sexual abuse as an offender and victim, Lamont

generated at least ten YDI Infraction/Incident Reports in three months. In the September 8, 2010 report, a YDI employee recorded witnessing Lamont inappropriately touch another peer. And, on August 17 and September 5, 2010, Lamont self-reported to YDI staff that he had engaged in other "sexual interactions" in violation of YDI's rule against inappropriate sexualized behavior with peers.

¶4 Lamont admitted to one probation violation - failure to obey the rules of his placement - and the remaining two probation violations were dismissed. On December 13, 2010, after considering less restrictive alternatives, the juvenile court committed Lamont to ADJC with a minimum six-month term and deferred the issue of sex offender registration.

¶5 This timely appeal followed. We have jurisdiction pursuant to Article 6, Section 9, of the Arizona Constitution, Arizona Revised Statutes sections 12-120.21(A)(1) (2003) and 8-235(A) (2007), and Arizona Rule of Procedure for the Juvenile Court 103(A).

### ***Discussion***

¶6 We have read and considered the entire record and have found no fundamental error. Lamont was present and represented by counsel at all proceedings. The juvenile court informed Lamont of his constitutional rights, and the record indicates Lamont knowingly, voluntarily, and intelligently waived his

rights pursuant to Arizona Rule of Procedure for the Juvenile Court 28(C)(5) when he admitted to the probation violation. Lamont was advised in open court of the nature of this charge and the nature of the possible disposition. Lamont was under eighteen years of age at the time of the final order and was within the jurisdiction of the juvenile court.

**Conclusion**

¶7 The disposition by the juvenile court is affirmed. Pursuant to *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984), the obligations of Lamont's counsel in this appeal have ended subject to the following. Counsel need do no more than inform Lamont of the status of this appeal and of his future options, unless counsel's review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. See Ariz. R.P. Juv. Ct. 107(A), (J).

/s/

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DANIEL A. BARKER, Presiding Judge

CONCURRING:

/s/

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MARGARET H. DOWNIE, Judge

/s/

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MICHAEL J. BROWN, Judge