

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: 11/29/2011
RUTH A. WILLINGHAM,
CLERK
BY: DLL

IN RE JESUS S.) 1 CA-JV 11-0159
)
) DEPARTMENT D
)
) **MEMORANDUM DECISION**
) (Not for Publication -
) Ariz. R.P. Juv. Ct. 103(G);
) ARCAP 28)
)

Appeal from the Superior Court in Yuma County

Cause No. S1400JV20100577

The Honorable Kathryn Stocking-Tate, Commissioner

AFFIRMED

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

Yuma

The Law Offices of Kelly A. Smith
Attorneys for Appellant

Yuma

G E M M I L L, Judge

¶1 Jesus S. appeals from the juvenile court's disposition
order placing him on juvenile intensive probation as a

consequence of violating his standard probation. Jesus S.'s counsel has filed a brief in accordance with *Smith v. Robbins*, 528 U.S. 259 (2000); *Anders v. California*, 386 U.S. 738 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989), stating that she has searched the record on appeal and found no arguable issues. Counsel therefore requests that we review the record for fundamental error. See *State v. Clark*, 196 Ariz. 530, 537, ¶ 30, 2 P.3d 89, 96 (App. 1999) (stating that this court reviews the entire record for reversible error).

¶2 We have appellate jurisdiction pursuant to Arizona Revised Statutes ("A.R.S.") section 8-235(A) (2007) and Rule 103(A) of the Arizona Rules of Procedure for the Juvenile Court. Finding no reversible error, we affirm.

FACTS AND PROCEDURAL HISTORY

¶3 We review the facts in the light most favorable to sustaining the juvenile court's orders and resolve all reasonable inferences against Jesus S. See *In re John M.*, 201 Ariz. 424, 426, ¶ 7, 36 P.3d 772, 774 (App. 2001); *State v. Kiper*, 181 Ariz. 62, 64, 887 P.2d 592, 594 (App. 1994).

¶4 Jesus S. was found to be in violation of his standard probation during the July 27, 2011 advisory hearing for the following acts: failing to use the UA call-in system; failing

to obey a written directive of his probation officer to attend a community restitution program; and failing to attend mandatory substance abuse group counseling sessions. During the hearing, the juvenile court found that Jesus S. knowingly, intelligently, and voluntarily waived his right to counsel and also knowingly, intelligently, and voluntarily admitted to the violations of the terms of probation.

¶15 The juvenile court ordered a predisposition report and set a disposition hearing for August 10, 2011. At the disposition hearing, the juvenile court followed the recommendation of the probation department and placed Jesus S. on juvenile intensive probation for twelve months. The juvenile court also waived Jesus S.'s remaining eighteen hours of community restitution and ordered that he participate in a thirty-two hour intensive probation program. The juvenile court further ordered Jesus S. to participate in substance abuse counseling and any other counseling recommended by his probation officer. Moreover, Jesus S. was ordered to continue to use the UA call-in system and maintain a twelve noon curfew.

¶16 Jesus S. filed a timely notice of appeal from the juvenile court's disposition order.

DISCUSSION

¶17 We have searched the entire record for reversible error and find none. See *Leon*, 104 Ariz. at 300, 451 P.2d at

881; *JV-117258*, 163 Ariz. at 487-88, 788 P.2d at 1238-39. Jesus S. was present at both the advisory hearing and disposition hearing, as was his mother. Jesus S. waived his right to counsel at the advisory hearing; his mother also agreed to the waiver of counsel. Jesus S. was also given the opportunity to speak at both hearings. The juvenile court proceedings were conducted in full compliance with Jesus S.'s constitutional and statutory rights and the Arizona Rules of Procedure for the Juvenile Court. The disposition was within the juvenile court's authority under A.R.S. § 8-341(A)(1) (Supp. 2011) and Rule 30 of the Arizona Rules of Procedure for the Juvenile Court.

¶8 After filing of this decision, counsel's obligations pertaining to Jesus S.'s representation in this appeal have ended. Counsel need do no more than inform him 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. See *State v. Shattuck*, 140 Ariz. 582, 584-85, 684 P.2d 154, 156-57 (1984). Jesus S. has thirty days from the date of this decision to proceed, if he desires, with a *pro per* petition for review. See Ariz. R.P. Juv. Ct. 91(A).

CONCLUSION

¶9 Finding no error, we affirm Jesus S.'s disposition.

_____/s/_____
JOHN C. GEMMILL, Judge

CONCURRING:

_____/s/_____
JON W. THOMPSON, Presiding Judge

_____/s/_____
MAURICE PORTLEY, Judge