

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

FILED BY CLERK

JUL 17 2013

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

	)	2 CA-JV 2013-0025
	)	DEPARTMENT B
IN RE JESUS G.-C.	)	
	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
	)	Rule 28, Rules of Civil
	)	Appellate Procedure

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APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. 20168401

Honorable K.C. Stanford, Judge

AFFIRMED

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Lori J. Lefferts, Pima County Public Defender  
By Susan C. L. Kelly

Tucson  
Attorneys for Minor

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ECKERSTROM, Judge.

¶1 Sixteen-year-old Jesus G.-C. appeals from the juvenile court’s orders adjudicating him delinquent for second-degree burglary, ordering him to pay \$1,651.74 in restitution, and placing him on probation for nine months. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967). See *In re Maricopa Cnty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989) (juveniles adjudicated delinquent have constitutional right to *Anders* appeal). Counsel states that, based on her review of the record, “[t]he only arguable issue which appears to exist in this delinquency appeal” is whether there was sufficient evidence that Jesus “either entered the victim’s residence or that he intended to commit theft or a felony within that residence.”<sup>1</sup> She asks us to review the record for fundamental error.

¶2 Based on our review, we find no reversible error. See *State v. Thompson*, 229 Ariz. 43, ¶ 3, 270 P.3d 870, 872 (App. 2012). Viewed in the light most favorable to upholding the juvenile court’s orders, see *In re John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d 772, 774 (App. 2001), the evidence shows that in June 2012, the victim returned home to find the gate to the backyard ajar, Jesus’s co-defendant “running out through the backside with a bag of stuff” that belonged to her son, and Jesus with his head and arm inside her son’s broken bedroom window. This evidence is sufficient to support the court’s finding that Jesus committed second-degree burglary. See A.R.S. § 13-1507(A). The record also

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<sup>1</sup>Counsel also contends, “A thorough review of the case appears to indicate that this is not a meritorious issue which can be argued in a formal appellate brief.”

establishes the court soundly exercised its broad discretion in determining the appropriate disposition. *See In re Themika M.*, 206 Ariz. 553, ¶ 5, 81 P.3d 344, 345 (App. 2003) (juvenile court has broad discretion to determine appropriate disposition of minor adjudicated delinquent and its determination will not be reversed absent an abuse of discretion).

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety. *See Thompson*, 229 Ariz. 43, ¶ 3, 270 P.3d at 872. We have found no fundamental or reversible error and no arguable issue warranting further appellate review. *See id.* We therefore affirm the juvenile court’s adjudication and disposition.

/s/ Peter J. Eckerstrom  
PETER J. ECKERSTROM, Judge

CONCURRING:

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Presiding Judge

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge