

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE E.C.

No. 2 CA-JV 2015-0066
Filed June 22, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Pima County
No. JV20140498
The Honorable Brenden J. Griffin, Judge

AFFIRMED

COUNSEL

Steven R. Sonenberg, Interim Pima County Public Defender
By Susan C. L. Kelly, Assistant Public Defender, Tucson
Counsel for Minor

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MEMORANDUM DECISION

Presiding Judge Kelly authored the decision of the Court, in which Judge Howard and Judge Vásquez concurred.

K E L L Y, Presiding Judge:

¶1 E.C. appeals from the juvenile court's orders adjudicating him delinquent for criminal trespass in the first degree and placing him on a six-month term of probation. Appointed counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999). See also *In re Maricopa Cnty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989) (juveniles adjudicated delinquent have constitutional right to *Anders* appeal). We affirm.

¶2 Pursuant to *Anders* and its progeny, counsel states she has found no meritorious issue to raise on appeal but asks this court to consider as an arguable issue whether the juvenile court abused its discretion "in ordering six (6) months standard probation, rather than the three (3) month term recommended by the assigned Probation Officer." Counsel also asks this court to review the entire record for fundamental, reversible error.

¶3 The evidence presented at the adjudication hearing supports the juvenile court's adjudication of delinquency. See *Oscar F. v. Dep't of Child Safety*, 235 Ariz. 266, ¶ 6, 330 P.3d 1023, 1024-25 (App. 2014) (we review evidence in light most favorable to court's findings and uphold if reasonable evidence supports adjudication); see also A.R.S. § 13-1504 (defining criminal trespass in first degree). The record shows E.C. entered an unoccupied unit in an apartment complex without permission.

¶4 "We will not disturb a juvenile court's disposition order absent an abuse of discretion." *In re John G.*, 191 Ariz. 205, ¶ 8, 953 P.2d 1258, 1260 (App. 1998); see also *In re Thomas D.*, 231 Ariz. 29, ¶ 9,

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290 P.3d 223, 225 (App. 2012) (juvenile court has discretion to revoke, modify, or terminate juvenile's probation). Section 8-341(A)(1)(b), A.R.S., provides that a juvenile court may "award a delinquent juvenile . . . [t]o a probation department, subject to any conditions the court may impose." That period of probation "may continue until the juvenile's eighteenth birthday," except that certain criteria must be met before a term of more than one year is imposed. § 8-341(B).

¶5 In this case, the juvenile court placed E.C. on a six-month term of probation, a term well within its discretion to order. *See id.* And, although the probation department recommended a three-month term of probation, the state requested a longer term, pointing out that E.C. had "beg[un] using marijuana in sixth grade and ha[d] tested positive all three times . . . tested." The state argued additional time was needed to ensure that his substance abuse issues could be addressed. In light of these concerns, we cannot say the six-month term was an abuse of the court's broad discretion. *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; its determination will not be reversed absent abuse of discretion).

¶6 Having reviewed counsel's "arguable issue" and the record as a whole for fundamental, reversible error and having found none, we affirm the juvenile court's adjudication and disposition.