

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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IN RE D.M.

No. 2 CA-JV 2020-0055  
Filed November 18, 2020

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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NOT FOR PUBLICATION  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).

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Appeal from the Superior Court in Graham County  
No. JV201700018  
The Honorable Travis W. Ragland, Judge Pro Tempore

**AFFIRMED AS CORRECTED**

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COUNSEL

E.M. Hale Law, Lakeside  
By Elizabeth M. Hale  
*Counsel for Minor*

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**MEMORANDUM DECISION**

Judge Espinosa authored the decision of the Court, in which Presiding Judge Eppich and Judge Eckerstrom concurred.

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ESPINOSA, Judge:

¶1 D.M., born in July 2004, was adjudicated delinquent in 2017, 2018, and 2020, for committing multiple offenses pursuant to five delinquency petitions.<sup>1</sup> The juvenile court initially placed D.M. on standard probation, but ultimately placed him on Juvenile Intensive Probation for twelve months beginning in December 2018, later extended until June 2020. Between April 2017 and January 2020, the state filed nine petitions to revoke probation based on repeated violations. At admission and detention hearings held in January and February 2020, D.M. admitted three allegations in Delinquency Petitions D and E, and several charges in Petitions to Revoke # 6 through 9.<sup>2</sup> At a disposition hearing on those petitions held in May 2020, the court noted D.M.'s recent admissions; ordered him committed to the Arizona Department of Juvenile Corrections (ADJC) for a minimum of thirty days not to exceed his eighteenth birthday; and ordered him to pay \$55 in restitution and reduced his other outstanding restitution orders to civil judgments. This appeal followed.

¶2 Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), avowing she searched the record but found no “arguable legal issues to raise on appeal,” and asking us to review the record for error. *See In re Maricopa Cty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486 (App. 1989) (juveniles adjudicated delinquent have constitutional right to *Anders* appeal). Counsel has also requested that we provide D.M. an opportunity to file a supplemental brief. We deny that request. This court has limited the application of *Anders* in delinquency appeals to the requirement that we

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<sup>1</sup>A sixth delinquency petition was dismissed.

<sup>2</sup>In Petition to Revoke # 8, filed on January 24, 2020, the state asserted that D.M. had interfered with a monitoring device “on or about November 23, 2020,” a date that had not yet occurred. At the February 5, 2020, admission and detention hearing, the juvenile court correctly stated that the violation had instead occurred on January 23, 2020.

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review the record for fundamental error; a minor or guardian is not permitted to file a supplemental brief. *In re Cochise Cty. Juv. Action No. DL88-00037*, 164 Ariz. 417, 419-20 (App. 1990).

¶3 The record supports the juvenile court's findings that D.M.'s admissions in Delinquency Petitions D (disorderly conduct and false reporting to law enforcement) and E (interference with a monitoring device), were knowing, voluntary, and intelligent and that he provided an adequate factual basis to support them. Specifically, D.M. admitted that, in November 2019, he engaged in a fight and made a false report to law enforcement about that incident and, in January 2020, he interfered with a monitoring device. *See* A.R.S. §§ 13-2904(A)(1), 13-2907.01, 13-3725. In addition, in violation of the conditions of his probation as alleged in Petitions to Revoke # 6 through 9, D.M. knowingly, voluntarily and intelligently admitted to testing positive for EtG;<sup>3</sup> violating the conditions of his house arrest six times; failing to participate in required drug testing two times; failing to attend school as directed on multiple occasions; and, interfering with a monitoring device. The record also supports the restitution imposed at the disposition hearing. *See* A.R.S. § 8-344(A). Moreover, the record establishes the court appropriately exercised its discretion in ordering D.M. committed to ADJC. *See* A.R.S. § 8-341(A)(1)(e); *In re John G.*, 191 Ariz. 205, ¶ 8 (App. 1998) ("We will not disturb a juvenile court's disposition order absent an abuse of discretion.").

¶4 In our review of the record for fundamental error, we have discovered several clerical errors in the May 4, 2020, disposition minute entry: 1) although the order refers to seven violations in Petition to Revoke # 6, based on the conditions of probation, Petition to Revoke # 6, and the transcript of the revocation hearing, five, rather than seven conditions were found admitted;<sup>4</sup> 2) the portion of the disposition order regarding Petition to Revoke # 7 refers to violations two, four and five as falling under Condition 5, while only violation two falls under that condition, and violations four and five fall under Condition C; and 3) the portion of the disposition order regarding Petition to Revoke # 9 refers to violations three and four as falling under Condition A, while they instead fall under

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<sup>3</sup>Ethyl Glucuronide.

<sup>4</sup> The admitted violations include Condition A, violation one; Condition C, violations three and four; Condition 5, violation nine; and, Condition Nine, violation ten.

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Condition C. We thus order the May 4, 2020, disposition order corrected consistent with this decision.

¶5 Pursuant to *Anders*, we have searched the record for fundamental, reversible error and have found none. Accordingly, the juvenile court's May 4, 2020, disposition order is affirmed as corrected.