

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE K.C.

No. 2 CA-JV 2020-0145
Filed May 4, 2021

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NOT FOR PUBLICATION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 Cochise County
No. JV202000047
The Honorable Terry Bannon, Judge

AFFIRMED

COUNSEL

Cochise County Office of the Legal Advocate, Bisbee
By Xochitl Orozco, Legal Advocate
Counsel for Minor

IN RE K.C.
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Espinosa authored the decision of the Court, in which Vice Chief Judge Staring and Judge Eckerstrom concurred.

E S P I N O S A, Presiding Judge:

¶1 Sixteen-year-old K.C. appeals from the juvenile court's order committing her to the Arizona Department of Juvenile Corrections (ADJC), with a thirty-day secure care order, after she was adjudicated delinquent. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), counsel has provided a factual and procedural history of the case with citations to the record and has asked us to search the record for error. See *In re Maricopa Cnty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486 (App. 1989) (juveniles adjudicated delinquent have constitutional right to *Anders* appeal). Counsel states that "[t]he only arguable issue which appears to exist in this delinquency appeal" is whether the court "abused its discretion in ordering commitment to . . . ADJC," but she concedes that "a thorough review of the case appears to indicate that this is not a meritorious issue" because the court has discretion in sentencing decisions.

¶2 Viewed in the light most favorable to affirming the adjudication, see *In re Julio L.*, 197 Ariz. 1, ¶ 6 (2000), the evidence shows that in January 2020, K.C. was adjudicated delinquent and placed on twelve months' probation in March 2020, after admitting to charges of shoplifting and possession or use of marijuana. See A.R.S. §§ 13-1805(A), 13-3405(A)(1). Thereafter, K.C. admitted to violating the terms of her probation "by running away and not returning home," and the juvenile court adjudicated her delinquent, placed her on one-year intensive probation, and ordered that she wear a global positioning system (GPS) monitor. In August 2020, K.C. again admitted to violating the terms of her probation "by running away and not returning home" and "by tampering and removing the GPS unit." At the same hearing, K.C. also admitted to a charge of interfering with a monitoring device by removing the GPS monitor that she was required to wear. See A.R.S. § 13-3725(A)(1). The court adjudicated K.C. delinquent. With regard to the latest adjudication, the record supports the court's findings that K.C.'s admissions were knowing, voluntary, and

IN RE K.C.
Decision of the Court

intelligent and that the factual bases were adequate to support them. *See* Ariz. R. P. Juv. Ct. 28(C), 32(D)(2).

¶3 The record also establishes that the juvenile court appropriately exercised its discretion in committing K.C. 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.”). The court considered K.C.’s behavioral health issues and prior rehabilitative opportunities, the lack of other appropriate less restrictive placement alternatives, and the nature of K.C.’s offenses before concluding commitment was warranted. *See* Ariz. Code of Jud. Admin. § 6-304(C)(1).

¶4 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and have found no fundamental, prejudicial error. *See State v. Fuller*, 143 Ariz. 571, 575 (1985). Accordingly, the juvenile court’s order adjudicating K.C. delinquent and committing her to ADJC is affirmed.