

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

NOV -3 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE CHEYANNE G.)
) 2 CA-JV 2010-0099
) DEPARTMENT B
)
) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure
)

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. JV2008068

Honorable Peter J. Cahill, Judge

AFFIRMED

Carol Coghlan Carter

Tempe
Attorney for Minor

V Á S Q U E Z, Presiding Judge.

¶1 Fourteen-year-old Cheyanne G. appeals from the juvenile court’s August 2010 order adjudicating her delinquent for underage consumption of spirituous liquor and placing her on probation for six months. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *In re Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989), avowing she has reviewed the record and found no basis for an appellate claim of abuse of discretion or fundamental error. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has provided “a detailed factual and procedural history

of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” She asks us to review the record for fundamental error.

¶2 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. 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 established Cheyanne, who is under the legal drinking age, was a passenger in a vehicle that Payson police officers had stopped for a possible traffic violation. Two officers testified Cheyanne appeared to be under the influence of alcohol, based on observations that included the odor of alcohol on her breath; her dazed, sluggish reactions and slow, slurred speech; her reddened eyes; and her difficulty in opening the door of the vehicle without assistance.

¶3 Substantial evidence thus supported the juvenile court’s finding that Cheyanne was responsible for consuming spirituous liquor, *see* A.R.S. § 4-244(9), and the court’s disposition was statutorily authorized, *see* A.R.S. § 8-341(A)(1)(a). We have found no fundamental error, no reversible error, and no arguable issue warranting further appellate review, *see Anders*, 386 U.S. at 744, and we therefore affirm the court’s adjudication and disposition orders.

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

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

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