

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
JUNE 17 2009
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE JOSEPH H.)
) 2 CA-JV 2009-0005
) 2 CA-JV 2009-0027
) (Consolidated)
) DEPARTMENT B
)
) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. 18625001

Honorable Patricia G. Escher, Judge

AFFIRMED

Barbara LaWall, Pima County Attorney
By Dale Cardy

Tucson
Attorneys for State

Nuccio & Shirly
By Salvatore Nuccio

Tucson
Attorneys for Minor

V Á S Q U E Z, Judge.

¶1 Thirteen-year-old Joseph H. filed a notice of appeal from the juvenile court’s January 2009 order adjudicating him delinquent for committing criminal damage and placing him on probation for one year. Subsequently, Joseph filed a second notice of appeal from the court’s order of March 11, 2009, directing him to pay restitution in the amount of \$500. On our own motion, we consolidated the appeals.¹ Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *In re Maricopa County Juv. Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989), avowing he has reviewed the entire record and found no arguable issue to raise on appeal. 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.”

¶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 that Joseph intentionally or

¹Had we not consolidated these appeals, Joseph’s appeal from the juvenile court’s January order would have been subject to dismissal, as it was not a final appealable order. See *In re Eric L.*, 189 Ariz. 482, 484, 943 P.2d 842, 844 (App. 1997) (when restitution is at issue, “final order, for purposes of [appeal] is the restitution order”). Because Joseph also timely appealed the restitution order, the court’s orders pertaining to adjudication, disposition, and restitution are all properly addressed in his opening brief. See *id.* (notice of appeal of restitution order “encompasses all previous orders entered by the juvenile court”).

recklessly damaged a water fountain on school property, necessitating repairs that cost over \$1,000.

¶3 Substantial evidence supported the juvenile court's finding that Joseph had committed criminal damage, *see* A.R.S. § 13-1604(A)(2), (B)(3), and the court's disposition and restitution orders were statutorily authorized, *see* A.R.S. §§ 8-341(A)(1)(a), 8-344(A). We have found 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, disposition, and restitution orders.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

J. WILLIAM BRAMMER, JR., Judge