

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE Z.M.

No. 2 CA-JV 2016-0140
Filed October 26, 2016

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NOT FOR PUBLICATION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. JV14615503
The Honorable K.C. Stanford, Judge

AFFIRMED

COUNSEL

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

IN RE Z.M.
Decision of the Court

MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Miller concurred.

ECKERSTROM, Chief Judge:

¶1 Appellant Z.M. admitted to possession of drug paraphernalia, two counts each of third-degree burglary and organized retail theft, and violating the conditions of his probation by leaving his court-ordered placement without permission. The juvenile court adjudicated Z.M. delinquent, found him to be in violation of his probation, and ordered him committed to the Arizona Department of Juvenile Corrections (ADJC) for a period not to exceed his eighteenth birthday.¹ Counsel has filed a brief pursuant to *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 *In re Maricopa Cty. 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). Counsel states that, based on her review, there “is not a meritorious issue which can be argued in a formal appellate brief,” and asks us to search the record for fundamental error.²

¶2 The record supports the juvenile court’s findings that Z.M.’s admissions were knowing, voluntary, and intelligent and that he provided an adequate factual basis to support them. See A.R.S. §§ 13-1506(A)(1), 13-1819(A)(2), 13-3415(A), (F)(2)(l)(i). Specifically, Z.M. admitted that in February 2016 he left his court-ordered

¹Z.M. will turn eighteen in November 2016.

²To the extent counsel raises as a potentially “arguable issue” whether the juvenile court abused its discretion by revoking Z.M.’s probation and committing him to ADJC, the record does not support such a claim and counsel further concedes it is not “meritorious.”

IN RE Z.M.
Decision of the Court

placement without permission, in violation of his probation, and at various times in April 2016 he possessed a pipe, and committed burglary of and removed merchandise from a retail establishment without paying for the merchandise. And the record establishes the court appropriately exercised its discretion in ordering Z.M. committed to ADJC. *See* A.R.S. § 8-341(A)(1)(e); *In re John G.*, 191 Ariz. 205, ¶ 8, 953 P.2d 1258, 1260 (App. 1998) (“We will not disturb a juvenile court’s disposition order absent an abuse of discretion.”).

¶3 Accordingly, we affirm the juvenile court’s adjudication, revocation of probation, and disposition.