

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

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IN RE G.B.

No. 2 CA-JV 2015-0019  
Filed September 23, 2015

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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NOT FOR PUBLICATION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 Santa Cruz County  
Nos. JV12-110; JV12-223; JT14-076; JT14-149; JT14-156  
The Honorable Kimberly A. Corsaro, Judge Pro Tempore

**AFFIRMED**

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COUNSEL

Emily Danies, Tucson  
*Counsel for Minor*

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**MEMORANDUM DECISION**

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

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ESPINOSA, Judge:

IN RE G.B.  
Decision of the Court

¶1 This is an appeal from the juvenile court's order terminating as unsuccessful G.B.'s probation following various delinquency and probation revocation proceedings. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the entire record and has found "no arguable question of law" to raise on appeal. *See also In re Maricopa Cty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989) (applying *Anders* to appeals in delinquency proceedings). Counsel has requested that this court search the record for fundamental error.<sup>1</sup>

¶2 Charged by delinquency petition with possession of marijuana for sale and transportation of marijuana for sale, G.B. was adjudicated delinquent in August 2012, after admitting to facilitation to commit possession of marijuana for sale, a class six, undesignated felony. The following month, he was placed on Juvenile Intensive Probation Supervision (JIPS) for one year. He was subsequently continued on JIPS after he admitted to disorderly conduct, and was again adjudicated delinquent in January 2013 in connection with a petition filed in December 2012.

¶3 A little over a year later, in February 2014, the state filed a petition to revoke probation based on a variety of violations. G.B. admitted to two of the charges in the petition and the juvenile court continued him on JIPS for another year. In May, the court ordered G.B. to continue on JIPS after he was found responsible on a civil traffic violation.

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<sup>1</sup>Counsel has requested that, consistent with *Anders*, we give G.B. or his guardian the opportunity to file a supplemental brief. This court has declined to apply this facet of the *Anders* procedures to a juvenile, in light of his or her presumptive lack of maturity and sophistication, and our goal of expediting juvenile appeals. *See In re Cochise Cty. Juv. Action No. DL88-00037*, 164 Ariz. 417, 419-20, 793 P.2d 570, 572-73 (App. 1990). Nor may G.B.'s non-lawyer guardians represent him in this context. *Cf. Byers-Watts v. Parker*, 199 Ariz. 466, ¶ 17, 18 P.3d 1265, 1269 (App. 2001) (non-attorney parent or like fiduciary must be represented by attorney to maintain lawsuit on behalf of child or incompetent person).

IN RE G.B.  
Decision of the Court

¶4 In September and October 2014, G.B. was cited for three more traffic violations: driving at a speed greater than what was reasonable and prudent, failure to stop at a stop signal, and failure to carry a driver's license with him while driving. The citations resulted in what appears to have been another delinquency adjudication and finding that he had violated probation after G.B. admitted failing to stop in exchange for the dismissal of the remaining citations.<sup>2</sup> At a combined disposition in December 2014, the juvenile court terminated G.B. from probation as unsuccessful, designated the marijuana offense a felony, and suspended his driver's license until the age of eighteen. It is from that order that G.B. has appealed.

¶5 There was ample evidence supporting the juvenile court's termination of G.B.'s probation as unsuccessful given his repeated violations and commission of additional offenses since he was placed on probation in 2012. *See In re Themika M.*, 206 Ariz. 553, ¶ 6, 81 P.3d 344, 345 (App. 2003) (juvenile court has discretion to terminate a juvenile's probation and designate that termination as unsuccessful). The record supports the court's findings that G.B.'s admission to the traffic citation was knowing, voluntary and intelligent and there was an adequate factual basis for that

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<sup>2</sup>Although these charges were commenced by the filing of two "Arizona Traffic Ticket and Complaint[s]" and given JT numbers, rather than a JD or delinquency number, they were handled by the juvenile court as a delinquency proceeding and one of the bases for finding him in violation of probation; they were not processed as civil traffic matters through a hearing officer. *See* A.R.S. § 8-202(A), (E) (distinguishing juvenile court's jurisdiction over delinquency proceedings from jurisdiction of proceedings involving civil traffic violations and offenses listed in A.R.S. § 8-323(B)); *see also* A.R.S. § 8-201(12) (defining "[d]elinquent juvenile" as "a child who is adjudicated to have committed a delinquent act"), (11) (defining "[d]elinquent act" as including "an act by a juvenile" that is "a violation of any law of this state"). Thus, we have reviewed that adjudication and disposition as part of this appeal.

IN RE G.B.  
Decision of the Court

admission. We have reviewed the entire record for fundamental error as requested and have found none.

¶6 The juvenile court's orders finding G.B. responsible in connection with the traffic citation and resulting violation of probation, the disposition on that offense,<sup>3</sup> and the termination of probation as unsuccessful are affirmed.

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<sup>3</sup>The portion of the disposition order suspending G.B.'s license until age eighteen is moot as he has now reached that age.