NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
# ARIZONA COURT OF APPEALS
**DIVISION ONE**

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IN RE ISAIAH A.

No. 1 CA-JV 19-0228
FILED 12-17-2019

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Appeal from the Superior Court in Maricopa County
No. JV202514
The Honorable Joshua Yost, Judge *Pro Tempore*

**AFFIRMED**

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COUNSEL

The Law Offices of Kevin Breger, PLLC, Scottsdale
By Kevin Breger
*Counsel for Appellant*

Maricopa County Attorney's Office, Phoenix
By Jeffrey L. Sparks
*Counsel for Appellee*

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**MEMORANDUM DECISION**

Judge Jennifer M. Perkins delivered the decision of the Court, in which Presiding Judge Samuel A. Thumma and Judge Paul J. McMurdie joined.

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**P E R K I N S**, Judge:

**¶1** Isaiah A. appeals the juvenile court's sentence committing him to the Arizona Department of Juvenile Corrections ("ADJC"). We affirm.

**FACTUAL AND PROCEDURAL HISTORY**

**¶2** "We view the facts in the light most favorable to affirming the superior court." *In re Daniel A.*, 210 Ariz. 162, 164, ¶ 2 (App. 2005).

**¶3** The state alleged that Isaiah A. (then age 17 years 5 months old) engaged in misdemeanor conduct constituting: failure to obey an order of a police officer, reckless driving, and failure to stop at an accident involving damage to a vehicle. Isaiah's probation officer filed a petition alleging he violated the terms of his probation imposed in August 2018. He pled delinquent to 1 count of reckless driving; the other counts and the probation violation petition were dismissed. At the disposition hearing, the judge considered Isaiah A.'s 2 prior felony adjudications; his incomplete intensive probation; time spent around negative peers; the risk he posed to himself and the community; and the absence of less restrictive alternatives.

**¶4** The court also noted that Isaiah A. had already participated in multiple programs, been detained four times for a total of 157 days, accumulated 28 incident reports while detained, and had tested positive for marijuana 24 times. It further noted that if Isaiah A. committed a third felony, he would be tried in adult criminal court. The court found that it "ha[d] tried other alternatives, and none of them ha[d] worked." Accordingly, the court awarded him to the ADJC until the age of 18, requiring him to spend a minimum of 30 days in a locked facility.

**¶5** Isaiah A. timely appealed.

## DISCUSSION

**¶6** We review the disposition of a juvenile delinquency matter for abuse of discretion. *In re Niky R.*, 203 Ariz. 387, 390, ¶ 10 (App. 2002). "The primary function of juvenile courts is treatment and rehabilitation." *David G. v. Pollard ex rel. Cty. of Pima*, 207 Ariz. 308, 312, ¶ 21 (2004). That said, courts need not "explore[] all alternatives to ADJC prior to an adjudication committing a juvenile to ADJC." *Niky R.*, 203 Ariz. at 392, ¶ 21.

**¶7** A court has broad discretion to determine the disposition of a delinquent juvenile. *In re R.E.*, 241 Ariz. 359, 362, ¶ 13 (App. 2017). A juvenile court nonetheless must consider the Arizona Supreme Court's guidelines for juvenile dispositions in its ruling. *In re Melissa K.*, 197 Ariz. 491, 496, ¶ 14 (App. 2000); A.R.S. § 8-246(C). These require juvenile courts to (1) only commit juveniles adjudicated for a delinquent act, and for the protection of the community; (2) consider commitment to be a final rehabilitation opportunity; (3) give special consideration to the type of offense, the risk the juvenile poses to the community, and whether less restrictive alternatives exist; and (4) identify the offense for which the juvenile is being committed. Ariz. Code Jud. Admin. § 6-304(C)(1).

**¶8** Isaiah A. argues the juvenile court abused its discretion in committing him to ADJC without exploring less restrictive alternatives, such as electronic monitoring.

**¶9** The juvenile court complied with the guidelines. It noted that Isaiah A. had 2 prior felony adjudications with victims and had repeatedly participated in less restrictive rehabilitative services to no avail. *See Melissa K.*, 197 Ariz. at 495, ¶ 15; *see also Daniel A.*, 210 Ariz. at 165, ¶ 15 n.1 (affirming ADJC commitment where juvenile had two prior felonies, and the court found that no less restrictive alternatives were available). He had been a delinquent juvenile under the continuous supervision of the juvenile court since August 2017. The court also noted that it considered the ADJC program to be a final opportunity for Isaiah A. to participate in rehabilitative services. The court committed no legal error, having considered the *Melissa K.* factors. Accordingly, Isaiah A. has not shown the juvenile court abused its discretion.

## CONCLUSION

**¶10** We affirm.




AMY M. WOOD • Clerk of the Court
FILED: AA