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**IN THE
COURT OF APPEALS OF INDIANA**

IN THE MATTER OF J.S.,)
A Child Alleged to be a Delinquent Child,)
)
Appellant-Respondent,)
)
vs.) No. 65A01-0705-JV-244
)
STATE OF INDIANA,)
)
Appellee-Petitioner.)

APPEAL FROM THE POSEY CIRCUIT COURT
The Honorable James M. Redwine, Judge
Cause No. 65C01-0611-JD-157

December 31, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, J.S., appeals his two-year sentence for battery, a Class B misdemeanor if committed by an adult, Ind. Code § 35-42-2-1(a).

We affirm.

ISSUE

J.S. raises one issue on appeal, which we restate as follows: Whether the juvenile court abused its discretion by placing J.S. on probation for two years.

FACTS AND PROCEDURAL HISTORY

On October 13, 2006, J.S. and J.R. were in class together at a junior high school in Mount Vernon, Indiana. J.S. and J.R. exchanged words. J.S. got angry and hit J.R. twice. As a result, J.S. was suspended from school for three days and on November 2, 2006, the State filed a Petition Alleging Delinquency for battery, a Class B misdemeanor if committed by an adult, I.C. § 35-42-2-1(a).

On January 22, 2007, J.S. admitted to the delinquency petition for battery, a Class B misdemeanor if committed by an adult. On April 23, 2007, the juvenile court held a dispositional hearing. After hearing the evidence, the juvenile court sentenced J.S. to two years on probation and set the matter for review on October 29, 2007. The juvenile court reminded J.S. that he was essentially in control of the length of his probation because depending on his behavior there might not be a need for the full two years of probation.

J.S. now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

J.S. argues the juvenile court abused its discretion by sentencing him to two years on probation. In particular, he contends the juvenile court did not consider the facts and circumstances unique to his case when imposing the sentence.

J.S. recognizes that the disposition of juveniles adjudicated as delinquents is in the sound discretion of the juvenile court, and will be reversed only for an abuse of that discretion. *K.A. v. State*, 775 N.E.2d 382, 386 (Ind. Ct. App. 2002). In support of his contention, however, J.S. notes that there are several statutory factors a juvenile court must consider in the disposition of juveniles adjudicated as delinquents, and cites I.C. § 31-37-18-6 which states:

If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

- (1) is
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parent's home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

In accordance with I.C. § 31-37-18-6, the juvenile court stated:

The best available disposition which is less restrictive, less disruptive of family autonomy, provides a reasonable opportunity for parental participation, and which is in the best interest of the child and society is to follow the recommendations of the probation department as set forth in the Pre-Dispositional Report.

(Appellant's App. p. 7).

Our review of the record indicates J.S. still lives with his aunt who serves as his legal guardian; he enjoys a strong relationship with his aunt; he has passing grades in his class; and controlled supervision is available at home. Additionally, J.S. failed to provide any example of how the trial court abused its discretion. The juvenile court also set this matter for review in October 2007, advising J.S. that two years may prove to be too long a probationary period and showing its intention to shorten J.S.'s probationary period if he proves to the juvenile court the two-year probationary period is unnecessarily long. Accordingly, we find the juvenile court did not abuse its discretion by imposing two years of probation.

CONCLUSION

Based on the foregoing, we find the trial court did not abuse its discretion by placing J.S. on probation for two years.

Affirmed.

KIRSCH, J., and MAY, J., concur.