

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOHN LEE HATFIELD, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

V

JOHN LEE HATFIELD,

Respondent-Appellant.

UNPUBLISHED

June 3, 2004

No. 245235

Wayne Circuit Court

Family Division

LC No. 02-411041

Before: Markey, P.J., and Wilder and Meter

MEMORANDUM.

Respondent appeals as of right his commitment to the Wayne County Department of Community Justice (WCDCJ) for placement in a secure facility. We affirm.

Respondent (DOB 4-4-88) pleaded guilty as a juvenile to one count of criminal sexual conduct in the second degree (CSC II), the victim being under thirteen years of age, MCL 750.520c(1)(a), in return for dismissal of one count of criminal sexual conduct in the first degree (CSC I), the victim being under thirteen years of age, MCL 750.520b(1)(a).

At a dispositional hearing the evidence showed that respondent had serious disciplinary, attendance, and academic problems at school, that he had received counseling after incidents in which he threatened to commit suicide and pulled down his sister's pants, and that his victim lived in continuing fear of him. The trial court determined that respondent should be committed to the WCDCJ for placement in a secure facility that could provide him with appropriate treatment.

The Juvenile Code must be liberally construed so that each child coming within the jurisdiction of the court receives treatment, preferably in his or her own home, that is best suited to the child's welfare and the interests of the state. MCL 712A.1(3); MCR 3.902(B)(1). We review a trial court's findings of fact at a juvenile disposition proceeding for clear error, and the ultimate decision for an abuse of discretion. *People v Brown*, 205 Mich App 503, 504-505; 517 NW2d 806 (1994).

Respondent argues that the trial court abused its discretion by committing him to the WCDCJ for placement in a secure facility rather than utilizing other alternatives. We disagree

and affirm. Placement of respondent with the WDCJ was appropriate for the welfare of respondent and for society. MCL 712A.18(1). Respondent pleaded guilty of molesting a young child. The child exhibited continuing fear of respondent, especially when she saw him in the neighborhood. Respondent had serious difficulties in school, had exhibited sexually aggressive behavior with a sibling, and had not responded to counseling. The trial court did not clearly err in finding that continued attempts to treat respondent at home would not be successful and could pose risks to other children, and did not abuse its discretion in committing respondent to the WDCJ for placement in a secure facility. *Brown, supra.*

Affirmed.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Patrick M. Meter