

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTHONY PERRY KALLIS,
Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

UNPUBLISHED
May 20, 2014

v

ANTHONY PERRY KALLIS,

Respondent-Appellant.

No. 314517
Wayne Circuit Court
Family Division
LC No. 11-503899

Before: CAVANAGH, P.J., and OWENS and M.J. KELLY, JJ.

PER CURIAM.

Respondent appeals as of right an order of disposition entered by the circuit court following his adjudication of guilt by way of no contest plea of one count of creating a disturbance in school under a township ordinance. Respondent was sentenced to out-of-home placement at a nonsecure residential treatment facility. We affirm.

Respondent's no contest plea was part of a bargain by which two offenses originally charged, second-degree criminal sexual conduct, person under 13, MCL 750.520c(1)(a), and assault and battery, MCL 750.81, were dismissed. Prior to the instant petition and disposition, respondent had come within the jurisdiction of the court for two prior offenses, including adjudications for possession of a prescription narcotic with the intent to deliver, MCL 333.7403(2)(a)(v), and possession of a weapon in a weapon-free school zone MCL 750.237a(4). Respondent was put on probation and placed at home for those prior offenses.

Respondent contends that the trial court abused its discretion by removing him from his father's home and placing him in a nonsecure treatment facility, without making an adequate inquiry of the parties at the disposition, or determining whether the out-of-home placement met respondent's needs, and that the resulting order of disposition was thus erroneously entered. We disagree. The trial court's findings of fact at a juvenile dispositional hearing are reviewed for clear error and its dispositional decision is reviewed for an abuse of discretion. *People v Brown*, 205 Mich App 503, 504–505; 517 NW2d 806 (1994); *In re Chapel*, 134 Mich App 308, 315; 350

NW2d 871 (1984). An abuse of discretion occurs when the trial court's decision is outside the range of principled outcomes. *People v Babcock*, 469 Mich 247, 269; 666 NW2d 231 (2003).

MCL 712A.18 governs the powers of the trial court in the dispositional phase of juvenile matters. The trial court has the discretion to enter an order of disposition that is "appropriate for the welfare of the juvenile and society in view of the facts proven and ascertained." MCL 712A.18(1). MCR 3.943(A) provides that "[a] dispositional hearing is conducted to determine what measures the court will take with respect to a juvenile and, when applicable, any other person, once the court has determined following trial or plea that the juvenile has committed an offense." MCR 3.943(E)(2) provides that, "[i]n making second and subsequent dispositions in delinquency cases, *the court must consider imposing increasingly severe sanctions*, which may include imposing additional conditions of probation; extending the term of probation; imposing additional costs; *ordering a juvenile who has been residing at home into an out-of-home placement . . . or any other conditions deemed appropriate by the court.*" (Emphases added). Finally, when entering an order of disposition, the trial court should "articulate on the record the reasons for [its] disposition of the case." *Chapel*, 134 Mich App at 315.

Here, contrary to respondent's argument, the record shows that the trial court thoroughly considered all the information available before rendering its decision. The record indicates that at the plea hearing the trial court observed that respondent had several previous contacts with the court, one less than two weeks prior, and expressed concern over the family instability. Prior to making its dispositional decision for the instant offense, the trial court ordered that respondent undergo a clinical evaluation by the Juvenile Assessment Center, ("JAC"). The JAC report was admitted as an exhibit at the dispositional hearing. The report contained detailed information compiled from interviews with respondent and his parents and previous court involvement. The report noted that respondent had a history of substance and sexual abuse, significant family discord, and impulsive and destructive behavior, all of which was minimized by his parents. The report recommended that he be placed in an out-of-home treatment facility.

At the dispositional hearing, the trial court specifically discussed the JAC report and adopted its recommendation. The trial court reasonably considered respondent's prior juvenile record, including his adjudications in February 2012 and June 2012 for drug and weapon charges, as well as the in-home placement for those offenses. The trial court found that in-home placement was contrary to the welfare of respondent because respondent's parents failed to adequately address his anger issues. The trial court also considered the severity of the instant offense. In light of everything, the trial court decided that it was appropriate to order that respondent have his placement escalated to an out-of-home placement per the mandate of MCR 3.943(E)(2). The trial court reasonably concluded that respondent needed more supervision, support, and services than his parents were able to provide. Accordingly, the trial court's order of disposition was within the legitimate range of outcomes enumerated in MCL 712A.18, and was appropriate for the welfare of respondent and society. MCL 712A.18(1); *Babcock*, 469 Mich at 269. Therefore, the trial court did not abuse its discretion when it entered an order of disposition placing respondent in an out-of-home, nonsecure residential treatment facility.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Donald S. Owens

/s/ Michael J. Kelly