

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of RICHARD MYRON TUCKER,  
Minor.

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PEOPLE OF THE STATE OF MICHIGAN,  
  
Petitioner-Appellee,

UNPUBLISHED  
June 14, 2011

v

No. 297152  
Wayne Circuit Court  
Family Division  
LC No. 07-464755

RICHARD MYRON TUCKER,  
  
Respondent-Appellant.

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Before: FORT HOOD, P.J., and DONOFRIO and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals as of right from a dispositional order placing him with the Wayne County Children and Family Services, following his plea and admission of responsibility to receiving and concealing a motor vehicle, MCL 750.535(7), and malicious destruction of personal property between \$1,000 and \$20,000, MCL 750.377a(1)(b)(i). We affirm.

Respondent was charged with a variety of serious offenses, including the ones to which he admitted responsibility.<sup>1</sup> These charges stem from an incident where respondent stole a

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<sup>1</sup> The delinquency petition filed against respondent also alleged violations of the following criminal and motor vehicle statutes and city ordinance: third-degree fleeing and eluding a police officer, MCL 257.602a(3)(a), malicious destruction of police property, MCL 750.377b, reckless driving, MCL 257.626b, speeding, MCL 257.628, failure to stop at an intersection, MCL 257.649, operating a vehicle without a valid driver's license, MCL 257.301, failure to stop after a collision, MCL 257.620, commission of a felony with a motor vehicle, MCL 257.732(7), and violating city curfew, Code of city of Detroit, Sec. 33-3-1(1). These charges were subsequently dismissed pursuant to a plea agreement.

motor vehicle, led the police on a high speed chase, crashed into a police vehicle and later into a utility pole. Following respondent's plea, a predispositional report prepared by the Juvenile Assessment Center recommended respondent's placement in a nonsecure facility. In light of the recommendation and the facts of this case, the trial court committed respondent to the Wayne County Children and Family Services for placement in a nonsecure facility.

Respondent argues that the trial court abused its discretion in failing to order a less restrictive disposition. We disagree and review the trial court's order of disposition for an abuse of discretion. *People v Thenghkam*, 240 Mich App 29, 36-37; 610 NW2d 571 (2000), overruled on other grounds *People v Petty*, 469 Mich 108 (2003). "An abuse of discretion standard acknowledges that there will be circumstances in which there will be no single correct outcome; rather, there will be more than one reasonable and principled outcome." *People v Babcock*, 469 Mich 247, 269; 666 NW2d 231 (2003). "When the trial court selects one of these principled outcomes, the trial court has not abused its discretion and, thus, it is proper for the reviewing court to defer to the trial court's judgment." *Id.*

The trial court has the discretion to enter any order of disposition that is appropriate for the welfare of the juvenile and society after a plea to any offense. MCR 3.943(E); MCL 712A.18. Juvenile adjudications can vary from a warning or community service to placement in an institution or boot camp. MCL 712A.18. Accordingly, pursuant to MCL 712A.18, a trial court may commit a juvenile to the Wayne County Children and Family Services for placement in a nonsecure facility provided such disposition is "appropriate for the welfare of the juvenile and society in view of the facts proven and ascertained." MCL 712A.18. The trial court's order of disposition was within the principled range of outcomes as described in MCL 712A.18, especially in light of the seriousness of these offenses.

It is clear from the predispositional report that respondent had several prior contacts with the court, i.e., curfew violations, truancy violations, and a charge of incorrigibility, and a history of incurring multiple school suspensions and expulsions related to fighting and bullying. Respondent also admitted that he smoked marijuana and tested positive for narcotics prior to appearing at his preliminary hearing. Respondent's adjudication of only two felonies was the result of a plea he made in exchange for the dismissal of several other serious and dangerous offenses. The predispositional report noted that respondent's risk level was high, and he did not appear remorseful of his behavior. Because this was respondent's first adjudication, the report recommended that respondent be placed in a nonsecure facility.

It is clear that respondent requires more guidance and supervision than can be offered by a less restrictive disposition, e.g., intensive probation and in-home services. When the court questioned his mother about what she would do differently to ensure respondent's successful treatment and rehabilitation, she identified submitting him to the Juvenile Assessment Center S.A.F.E.T.Y program and to counseling. The court denied her request finding that previous in-home programs and counseling were unsuccessful for respondent. The court also noted that the severity of respondent's present offenses indicate that respondent requires more guidance and supervision than can be provided to him with in-home and community based programs. There is no question that respondent is in need of supervision and that in-home services and counseling, as requested by respondent, would be insufficient. His behavior appears to continue to escalate, and he shows no remorse for his extremely dangerous behavior.

Under the circumstances, the trial court's decision was appropriate, as it both provided for respondent's needs by giving him the opportunity to avail himself of services while in a nonsecure facility and simultaneously protected society from respondent's high risk behavior. In sum, the record shows that respondent's placement in a nonsecure facility was appropriate for the welfare of respondent and society, and the trial court's commitment of respondent with the Wayne County Children and Family Services for placement in a nonsecure facility was within its discretion.

Affirmed.

/s/ Karen Fort Hood

/s/ Pat M. Donofrio

/s/ Amy Ronayne Krause