

## ARKANSAS COURT OF APPEALS

DIVISION I

No. CA09-1298

N.J.

APPELLANT

**Opinion Delivered** OCTOBER 20, 2010

V.

APPEAL FROM THE FAULKNER  
COUNTY CIRCUIT COURT  
[NO. JV-2006-223]

STATE OF ARKANSAS

APPELLEE

HONORABLE RHONDA K. WOOD,  
JUDGE

AFFIRMED

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**KAREN R. BAKER, Judge**

On March 22, 2007, the Faulkner County Circuit Court, Juvenile Division, adjudicated appellant N.J., a minor, delinquent on one count of second-degree sexual assault and one count of third-degree battery, and his probation was revoked based on the new charges and failing treatment. Appellant was committed to the Division of Youth Services (DYS) for sex-offender treatment. On October 30, 2008, the trial court ordered DHS to perform a Community Risk Notification Assessment (CRNA) regarding appellant. On July 8, 2009, the State filed a motion to register appellant as a juvenile sex offender pursuant to Arkansas Code Annotated section 9-27-356 (Repl. 2009). The circuit court held a hearing on the motion on August 3, 2009, and entered an order granting the motion on August 18,

2009. On appeal, appellant asserts that the trial court's decision to order him to register as a sex offender was clearly erroneous. We find no error and affirm.

If a juvenile is adjudicated delinquent for the offense of sexual assault in the second degree, the court is required to order a sex-offender screening and risk assessment. Ark. Code Ann. § 9-27-356(a)(3) (Repl. 2009). After the sex-offender screening and risk assessment, the State may file a motion to request that a juvenile register as a sex offender at any time while the trial court has jurisdiction of the delinquency case. Ark. Code Ann. § 9-27-356(d). Within ninety days of the State's registration motion, the Code states that the trial court shall conduct a hearing to consider certain "factors in making its decision to require the juvenile to register as a delinquent sex offender." Ark. Code Ann. § 9-27-356(e)(2)(A). The trial court must make written findings on all of the factors, concluding by clear and convincing evidence that a juvenile should or should not be required to register as a sex offender. Ark. Code Ann. § 9-27-356(f). Clear and convincing evidence is the degree of proof that will produce in the fact-finder a firm conviction as to the allegation sought to be established. *L.W. v. State*, 89 Ark. App. 318, 202 S.W.3d 552 (2005) (citing *Otis v. State*, 355 Ark. 590, 142 S.W.3d 615 (2004)). On appeal, when factual findings require clear and convincing evidence, we consider whether the trial court's findings are clearly erroneous, giving due regard to the opportunity of the trial court to judge the credibility of the witnesses. *Id.*

In the instant case, there was clear and convincing evidence supporting the trial court's decision to require registration. The trial court's opinion fully and adequately explains the

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reasons for the decisions it made; in the opinion, the trial judge carefully considers each of the factors required under Arkansas Code Annotated section 9-27-356(e)(2)(A). When the decision of the trial court is adequately explained by that court's opinion, we are authorized, pursuant to subsection (b) of *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985), to affirm by memorandum opinion. The trial court's decision was not clearly erroneous, and we affirm.

Affirmed.

VAUGHT, C.J., and GLOVER, J., agree.