

JUL 03 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>MRP, JUVENILE MALE,</p> <p style="text-align: center;">Defendant - Appellant.</p>
--

No. 11-10072

D.C. No. 4:10-CR-03580-RCC-
CRP-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Argued and Submitted June 15, 2012
San Francisco, California

Before: D.W. NELSON, GOULD, and BEA, Circuit Judges.

MRP appeals his adjudication as a juvenile delinquent in a bench trial. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

The government violated the Juvenile Delinquency Act (JDA) by failing to advise MRP of his rights immediately, *United States v. Juvenile (RRA-A)*, 229 F.3d

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

737, 744 (9th Cir. 2000), failing to advise MRP in a language he understood, 18 U.S.C. § 5033, and failing to demonstrate compliance with the parental notification requirements, *United States v. Doe*, 862 F.2d 776, 779–80 (9th Cir. 1988). But because the government did not introduce MRP’s statement as testimony at trial, these errors did not violate due process. *Doe*, 862 F.2d at 781; *cf. United States v. Perez-Lopez*, 348 F.3d 839, 849 (9th Cir. 2003) (reversing for failure to suppress incriminating statements used against defendant at trial). Moreover, we find the errors harmless beyond a reasonable doubt. Even if the JDA violations caused MRP to confess, the strong and ample circumstantial evidence shows that the government did not charge MRP based on that confession. *United States v. D.L.*, 453 F.3d 1115, 1126 (9th Cir. 2006).

In addition, the district court did not err in allowing border patrol agents to identify the seized evidence as marijuana. *United States v. Almada-Aldama*, 462 F.2d 952 (9th Cir. 1972) (per curiam).

Finally, even if the district court erred in admitting the border patrol agent’s testimony that he had never been mistaken in his field identifications of marijuana, *cf. Melendez-Diaz v. Mass.*, 557 U.S. 305, 320–21 (2009), MRP did not object at trial, and he has not demonstrated plain error, *United States v. Brigham*, 447 F.3d 665, 669 (9th Cir. 2006).

AFFIRMED.