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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

In re D.T., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,  
Plaintiff and Respondent,

v.

D.T.,  
Defendant and Appellant.

A132504

(Contra Costa County  
Super. Ct. No. J08-00871)

D.T., the minor, appeals from the juvenile court’s dispositional order committing her to the county administered custodial Girls in Motion program. The order was entered following her admission to a misdemeanor violation of Penal Code section 148.9, subdivision (a), giving false information to a police officer. D.T.’s counsel on appeal raises no issues<sup>1</sup> and asks this court to conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. After independently reviewing the record, we find no arguable issue or cause for further briefing and therefore affirm.

**BACKGROUND**

According to her most recent probation report, on May 25, 2011, police observed D.T.—then 17 years old—exit a black van in an area of San Francisco they knew

<sup>1</sup> D.T. was advised of her right to personally file a supplemental brief, but did not do so.

contained a high concentration of prostitution-related activity. She was wearing black high heels, tight black shorts, a shirt, and a jacket. An undercover officer walked up to her and attempted to solicit a sex act, asking, “How much for some head?” She responded, “You’re not any type of law enforcement are you? Can I touch you?” The officer believed this response was a typical “cop check,” which is a common practice by local prostitutes to ensure interested individuals are not police officers. At this point, the officer identified himself and arrested her.

On arriving at the police station, D.T. gave police a false name, and told them that she had been earning money as a prostitute for the past seven months. Her real identity was discovered during booking once she was fingerprinted.

A juvenile wardship petition was filed later that day and contained two misdemeanor counts.<sup>2</sup> Count one alleged a violation of Penal Code section 653.22, subdivision (a), loitering with intent to commit prostitution. Count two alleged a violation of Penal Code section 148.9, subdivision (a), giving false information to a police officer. She admitted count two, and count one was dismissed.

The court determined that Welfare and Institutions Code section<sup>3</sup> 602 applied, and D.T. was subsequently continued<sup>4</sup> as a ward of the court pursuant to section 726, subdivision (a)(3). The court committed her to the county’s custodial Girls in Motion program for a maximum of one year and 11 months or until age 21, whichever occurs first. The court ordered her to participate, explaining that she “must successfully complete all motions of the program, follow all treatment requirements, and obey all rules and regulations.” Against this sentence, she was given credit for 229 days served.

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<sup>2</sup> The petition was originally filed in San Francisco County and was transferred to Contra Costa County for disposition.

<sup>3</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

<sup>4</sup> D.T. was first declared a ward of the court in October of 2008. She had been arrested for carrying a concealed weapon in violation of Penal Code section 12101, subdivision (a)(1). This charge was amended and she admitted a misdemeanor violation of Penal Code section 12025, subdivision (a)(2).

D.T. has a history of using drugs and alcohol, and has admitted a series of prior prostitution-related offenses, dating back to 2008 when she was first adjudged a ward of the court at age 13. During this time, she has removed her electronic monitoring device twice when released on home detention, and absconded three times from her out-of-home placements. Currently, she is pregnant with her second child. D.T. has, however, successfully completed the Girls in Motion program in the past.

On June 22, 2011, D.T. filed a timely notice of appeal from the “order committing minor to Girls in Motion program.”

### **DISCUSSION**

D.T. appeals the juvenile court’s dispositional order committing her to the county’s Girls in Motion program—a custodial program administered by the county. Because the notice of appeal specifies only the order that D.T. participate in the Girls in Motion program, we restrict our review to that portion of the disposition. “It is elementary that an appeal from a portion of a judgment brings up for review only that portion designated in the notice of appeal.” (*Unilogic, Inc. v. Burroughs Corp.* (1992) 10 Cal.App.4th 612, 625.) When the “portion of the judgment appealed from is . . . clear and unmistakable,” as is the case here, review of other portions of the judgment is precluded. (*Ibid.*)

The juvenile court has jurisdiction over “any person who is under the age of 18 years when . . . she violates any law of this state,” and may “adjudge the minor to be a ward of the court.” (§§ 602, subd. (a) & 725, subd. (b).) D.T. admits that she had violated a law of this state, thereby vesting the juvenile court with jurisdiction under section 602.

A juvenile court may set reasonable terms and conditions of probation for a minor under its jurisdiction, including physical confinement in a county run custodial program. (§ 726 & 730, subd. (a).) “A juvenile court is vested with broad discretion to select appropriate probation conditions. [Citation.] The court may impose any reasonable condition that is ‘fitting and proper to the end that justice may be done and the

reformation and rehabilitation of the ward enhanced.’ [Citation.]” (*In re Antonio C.* (2000) 83 Cal.App.4th 1029, 1033.)

As the probation report notes, this is D.T.’s sixth prostitution-related offense and she “has a long history of making poor decisions such as, [*sic*] absconding from placement, using drugs and alcohol, carrying a firearm, engaging in prostitution, and having unprotected sex . . . . She has an infant son, of whom she left with her mother and grandmother when she left home without permission and apparently returned to prostitution. . . . [¶] . . . [¶] [She] is in desperate need of a secure and highly structured environment. One where she can receive proper nutrition, education, counseling, supervision, and structure. The Girls in Motion program will be able to provide [her] with just that.” We have no reason to doubt that the Girls in Motion program will provide D.T. with at least some of the recommended services. Accordingly, her commitment to the program is well within the court’s discretion to impose as a term of probation.

**DISPOSITION**

The judgment is affirmed.

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Lambden, J.

We concur:

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Kline, P.J.

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Richman, J.