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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**In re JAMIE L., a Person Coming Under
the Juvenile Court Law.**

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMIE L.,

Defendant and Appellant.

A134633

**(Solano County
Super. Ct. No. J40345)**

On September 21, 2011, the Solano County District Attorney filed a one-count Welfare and Institutions Code section 602 petition charging appellant Jamie L. (Minor) with felony possession of methamphetamine. (Health & Saf. Code, § 11377, subd. (a).) At Minor's November 14, 2011 jurisdictional hearing, the juvenile court found beyond a reasonable doubt that Minor had possessed methamphetamine as alleged in the petition. At the dispositional hearing on February 1, 2012, the juvenile court declared Minor's violation a felony and continued her preexisting wardship and probation. The court ordered Minor, then 18 years of age, to continue to live with her grandparents unless her probation officer permitted her to live independently. Minor was also required to attend school or maintain employment, to complete 50 additional community service hours, and to continue undergoing drug counseling. Finally, the court suspended Minor's driver's

license for one year pursuant to Vehicle Code section 13202.5. Minor filed an appeal from the dispositional order on February 8, 2012.

Appointed counsel has submitted a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, certifying that she has been unable to identify any issues for appellate review. Counsel has also submitted a declaration affirming that she has advised Minor of her right to file a supplemental brief raising any points which she wishes to call to the court's attention. No supplemental brief has been submitted. As required, we have independently reviewed the record. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110.)

We find no arguable issues and therefore affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The juvenile court first declared Minor a ward of the court and placed her on probation on September 27, 2010, after she admitted to various misdemeanors. As a condition of probation, Minor was required to “[s]ubmit . . . her person and property (including automobile and residence) to search and seizure by any peace officer at any time of the day or night, with or without a warrant, with or without probable cause.”

On the evening of July 15, 2011, Vacaville Police Officer David Spencer saw Steven Roberts, a parolee with whom the officer had had several previous law enforcement encounters, riding in the passenger seat of a car next to Officer Spencer's vehicle. Spencer saw Roberts raise his hips off the seat and push his hands down his back belt-line. Roberts appeared to be putting something down his pants and was moving rapidly as if he was panicking. A young woman, later identified as Minor, was driving the car.

Officer Spencer pulled the car over based on Roberts's parole status. The officer got out of his police car and spoke with Roberts, who appeared nervous and fidgety and was smacking his lips. Roberts admitted to being under the influence of a stimulant. Officer Spencer confirmed Roberts's parole status, and then spoke briefly with Minor, who admitted she was on probation with a search condition.

Within five minutes, two back-up officers arrived, and Officer Spencer removed Roberts from the car and handcuffed him. When told he had been seen raising his hips

up in the air, Roberts admitted he had stuffed something down the back of his pants. Roberts shook his pants at the beltline, and a small cellophane packet fell from one of his pant legs. Officer Spencer then prepared to conduct a parole search of the car.

The officer reconfirmed Minor's probation status and asked her to get out of the car. A back-up officer had Minor ride with him while the police moved the vehicles off the freeway to conduct a search of the car. A search of the interior yielded no illegal items.

During the search, Officer Spencer questioned Minor and asked whether she had anything she should not have.¹ Some 30 minutes after Spencer initiated the traffic stop, Minor told the officer she had put something Roberts had given her down the front of her pants. Spencer testified that at that point, he detained Minor so that she could be searched by a female officer back at the police station.

Minor was taken to the Vacaville police station, where a female officer observed her remove a wet plastic bag containing a white, crystallized substance from inside her jeans. The officer testified that it appeared Minor had had to reach into her vagina to remove the bag. Minor later stipulated at her jurisdictional hearing that the material taken from her was a controlled substance in a usable quantity.

After recovering the bag, Officer Spencer read Minor her *Miranda* rights. Minor told the officer Roberts had handed her something as they were being stopped. Minor said Roberts had told her he couldn't go back to prison, so she put the item down the front of her pants. She did not know what it was, but she believed it was illegal.

Minor moved to suppress the evidence obtained as a result of the parole search. (Welf. & Inst. Code, § 700.1.) At the hearing on the motion, her counsel stipulated that the police officer was justified both in his initial stop and in his search of Minor's car. The only issue was the duration and scope of the search.

The juvenile court denied the motion to suppress, finding that Officer Spencer's observation of Roberts's suspicious behavior was a "reasonable and probable basis" for

¹ Officer Spencer did not *Mirandize* Minor prior to this questioning. (See *Miranda v. Arizona* (1966) 384 U.S. 436.)

stopping Minor's car. The court found the further search and investigation reasonable given that both Roberts and Minor were subject to parole search conditions, and Roberts admitted to being under the influence of and in possession of a controlled substance. It also found Minor was merely detained, not arrested, when she was asked whether she had something illegal in her possession. Thus, a *Miranda* warning was not yet required. Finally, the juvenile court ruled that Minor's statements and search status gave the officers "reasonable and probable cause to search her" and to take her to the police station for a cavity search overseen by a female officer, and this search was not unreasonable.

DISCUSSION

Our review of the juvenile court's decisions is deferential. We review the juvenile court's denial of Minor's suppression motion for substantial evidence. (*In re H.M.* (2008) 167 Cal.App.4th 136, 142.) In so doing, "we defer to the trial court's express or implied factual findings if supported by substantial evidence, but exercise our independent judgment to determine whether, on the facts found, the search or seizure was reasonable under the Fourth Amendment." (*Ibid.*) We may reverse the juvenile court's dispositional order only upon a showing the court abused its discretion. (*In re Robert H.* (2002) 96 Cal.App.4th 1317, 1329-1330.) " "We must indulge all reasonable inferences to support the decision of the juvenile court and will not disturb its findings when there is substantial evidence to support them." ' [Citation.]" (*Id.* at p. 1330.)

The motion to suppress was properly denied. Minor's counsel conceded the search was reasonable at its inception. The duration of the search was also reasonable. (*People v. Russell* (2000) 81 Cal.App.4th 96, 101-103.) The trial court could properly conclude Minor had only been detained, not arrested, when she was asked whether she had anything illegal in her possession, and thus that no *Miranda* warnings were required. (See *In re Joseph R.* (1998) 65 Cal.App.4th 954, 961.) In any event, after receiving *Miranda* warnings, Minor admitted she had taken from Roberts what she believed was an illegal substance and had concealed it in her pants. (See *People v. Samayoa* (1997) 15 Cal.4th 795, 831.)

There is substantial evidence in the record supporting the juvenile court's finding that Minor possessed methamphetamine in violation of Health and Safety Code section 11377, subdivision (a). (*People v. Tripp* (2007) 151 Cal.App.4th 951, 956.) Indeed, Minor stipulated at the jurisdictional hearing that the material she removed from her person was a controlled substance in a usable quantity.

We have conducted an independent review of the entire record for potential error and find none. (*People v. Kelly, supra*, 40 Cal.4th at p. 119.) We therefore affirm the judgment.

DISPOSITION

The judgment is affirmed.

Jones. P.J.

We concur:

Simons, J.

Needham, J.