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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re M.C., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

M.C.,

Defendant and Appellant.

A134776

(San Francisco City & County
Super. Ct. No. JW12-6044)

The minor M.C. appeals from a juvenile court dispositional order removing him from his parents' custody and committing him to a county camp program. The minor's appellate counsel has raised no issues, but asks this court for an independent review of the record to determine whether there are any issues that would, if resolved favorably to the minor, result in reversal or modification of the dispositional order. (See *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436.) Counsel declares the minor was notified of his right to file a supplemental brief, but the minor has not done so. Upon independent review of the record, we conclude no arguable issues are presented for review, and affirm the juvenile court's order.

BACKGROUND

According to the probation office's detention report, police officers, on January 30, 2012, responded to a complaint that five males were smoking marijuana in front of a house. As the officers approached by car, they observed the males smoking an unknown substance. As one officer exited the passenger side of the police car, the minor, one of the five males, stood up and ran away down the street. Officers yelled for him to stop, but he continued to run. The officers pursued. As the minor began to slow down, the officers saw him throw a black pistol over a fence. The minor then came to a stop and the officers arrested him. The officers found a bullet in the minor's pants pocket and, after searching the yard by the fence, found the black pistol with a chambered bullet and a magazine with seven live rounds.

During questioning, the minor admitted to having had the pistol in his possession since the previous Tuesday, admitted he knew the gun was loaded, and admitted he knew the serial number had been scratched off. He asserted he never fired the gun.

On February 1, 2012, the district attorney filed a wardship petition charging the minor with carrying a concealed weapon (Pen. Code, § 25400, subd. (c)(4)),¹ carrying a loaded firearm in public (§ 25850, subd. (c)(4)), and being a minor in possession of a handgun (§ 29610)—all felonies.

At a hearing on February 2, 2012, the minor admitted the concealed weapon charge and the district attorney dismissed the remaining two charges.

The juvenile court held a contested dispositional hearing on February 17, 2012. The minor's mother understood this was "a real big deal" but sought to have her son returned home so they could work toward fixing things as a family. She testified that, before the gun incident, she had tried to address some of the minor's problematic behaviors, having taken him to Huckleberry House twice for "cooling-off" and

¹ All further statutory references are to the Penal Code unless otherwise indicated.

counseling when the minor had been unwilling to abide by his curfew and had an altercation with his father. In response to the gun incident, mother set up an intake appointment through her health care provider for substance abuse counseling and additional individual and family counseling (in which both she and the minor would participate). She had a commitment from relatives to keep the minor away from his cousins, who were with him when the police found him smoking on the street and who had criminal records. Mother had also arranged for supervision of the minor to and from school, work, and other obligations. Mother confirmed her son worked at a local museum as part of a special program for teenagers, and that the museum would welcome the minor back upon release.

On cross-examination, mother conceded her son had a previous marijuana possession offense, and that while the minor had started substance abuse counseling, the counseling had been cancelled. She had had no contact with the counseling program, though the minor's father was apparently the one who "handled it." Mother also conceded she had told the probation officer she felt "unsure whether or not the minor's ready for positive change." Despite saying this, she, by the time of the hearing, felt her son was remorseful and ready to come home.

Danyelle Marshall, of City College of San Francisco, testified next. She works as a counselor for the Gateway to College program—a program to help at-risk youth obtain high school diplomas while also earning college credit. Although once dropped for poor attendance, the minor was given a second chance and was enrolled in the program at the time of the dispositional hearing. If released, he could rejoin the program, but might have had to switch to "short-term" classes that began in March 2012. If not released soon, he would lose the chance to make up his work in the program.

Omari French, the minister of the minor's church, also testified. He said he had known the minor for three years and was willing to provide counseling.

After considering the testimony, written submissions, and counsels' argument, the juvenile court denied conditional release and, agreeing with the probation department, committed the minor to the Log Cabin Ranch. The court acknowledged the minor's "situation is different than . . . 99.99 percent of young men that I see" because of his family's and minister's support, his job, and his placement in the Gateway program. Yet despite having these structures in place before the gun incident, noted the court, the minor still went astray. "[T]he only thing that's really different" in the minor's proposal, said the court, "is the Kaiser program. [¶] Otherwise it's the same people doing more but doing the same things that were already there." The court believed a change was necessary and that the minor would benefit from the more rigid structure at the ranch.

The court filed written dispositional orders on February 21, 2012. It later amended its orders to state the minor had a custody credit of 24 days and a maximum confinement period of three years.

The minor's trial attorney filed a notice of appeal from the February 17, 2012 dispositional orders on February 24, 2012.

DISCUSSION

Upon review of the record, we discern no arguable issues. The minor was ably represented by counsel at all times during the proceedings. He had a full and fair opportunity to present his case to the juvenile court at the dispositional hearing. The court correctly set the minor's maximum confinement time at three years. (§§ 25400, subd. (c)(4), 1170, subd. (h)(1); Welf. & Inst. Code, § 726, subd. (c).) Further, based on the dangerous nature of the minor's offense and the inadequacy, to date, of minor's support structure—as evidenced in part by the marijuana offense followed by the gun incident—the juvenile court did not abuse its discretion in ordering the minor committed to Log Cabin Ranch. (See *In re Angela M.* (2003) 111 Cal.App.4th 1392, 1396 [a juvenile court's commitment decision is reviewed for abuse of discretion, with all reasonable inferences indulged to support its decision]; *In re Asean D.* (1993)

14 Cal.App.4th 467, 473 [even “commitment to the Youth Authority may be made in the first instance, without previous resort to less restrictive placements”]; *In re Robert H.* (2002) 96 Cal.App.4th 1317, 1329-1330 [even when minor’s parents could provide “adequate supervision at home,” not abuse of discretion to commit to camp facility].) The juvenile court appears to have thoroughly wrestled with its sentencing options and rationally rejected home placement in favor of the ranch. (See *In re Michael D.* (1987) 188 Cal.App.3d 1392, 1395 [“An appellate court will not lightly substitute its decision for that rendered by the juvenile court.”].)

DISPOSITION

The juvenile court’s dispositional order is affirmed.

Banke, J.

We concur:

Marchiano, P. J.

Dondero, J.