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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re R.B., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

R.B.,

Defendant and Appellant.

A139282

(Mendocino County  
Super. Ct. No. SCUK-JDSQ-13-  
1628103-002)

Minor R.B. appeals from the juvenile court's June 27, 2013 dispositional order following a contested jurisdictional hearing. Appellant's counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, to determine whether it contains any arguable issues. Counsel has notified appellant she can file a supplemental brief with the court. No supplemental brief has been received from appellant. Upon independent review of the record, we conclude no arguable issues are presented for review and affirm the judgment.

**STATEMENT OF FACTS AND PROCEDURAL HISTORY**

On April 26, 2013, at 8:00 p.m. appellant's parents picked her up at her friend's house located at the "trailer court." Appellant was sitting outside of the house on the porch with "her friends and her peers." She was "crying and really upset," and had no shoes on. She told her parents she had been at her boyfriend's home where "[t]hey had pushed her up against the refrigerator." Appellant's parents took her in their truck to her

boyfriend's house. As appellant was sitting between both parents in the truck, her mother first recognized appellant was intoxicated. When they arrived at the boyfriend's residence, appellant and her father became involved in an "altercation" with the boyfriend and his brother.

Following the altercation, appellant and her parents "went back into town" looking for "the deputies," but could not locate one. After driving around town for about a half-hour looking for some deputies, they drove to the Covelo firehouse where they found Mendocino County Sheriff's Deputy Ricco McCoy and another officer. Deputy McCoy recognized appellant's parents' very distinctive truck parked at the firehouse. Appellant's parents were standing outside of the truck by the tailgate while appellant remained seated in the driver's seat of the vehicle turned sideways with the door open. McCoy spoke with appellant's father who confirmed he had called requesting law enforcement to respond because "his daughter was drunk, he wanted her arrested and taken to juvenile hall."

McCoy contacted appellant to determine if she met "the criteria to be arrested for being under the influence of alcohol." He immediately smelled alcohol and observed appellant had bloodshot eyes, no shoes on, and a small amount of blood on her shirt and her pants. Appellant also had miscellaneous scratches on her feet, but she was unable to "articulate" how she got them. When McCoy asked appellant what she had to drink, she replied, "an entire bottle of Old Crow," which she drank herself. Appellant told McCoy it was bigger than a pint, but could not give the deputy the exact size of the bottle.

When McCoy asked appellant to step out of the truck so he could observe her, she fell backwards on the seat as she attempted to exit, and the deputy had to assist her out of the vehicle. McCoy held appellant up until she gained her balance, at which point he leaned her up against the truck because she was having "a very difficult time." He never saw her stand unassisted. Appellant refused to tell McCoy who provided her with the alcohol or with whom she was drinking. She complied with his directions "[a]s best as she could." As McCoy was speaking with appellant's parents, she turned around and

“grabbed the truck bed with her hands facing her parents and started yelling obscenities” and continued to yell.

Based on appellant’s inability to tell McCoy where she was, how she got her injuries, and just her “overall state,” the deputy concluded appellant was under the influence of alcohol to a point where she was unable to care for her own safety or the safety of others, and he placed her under arrest for “public intoxication” and drove her to meet “the Willits deputies” at a rock turnout near mile-marker No. 17. During the trip, appellant admitted she had been drinking with her boyfriend at his house on Fairbanks, but would not provide an address. At the turnout, appellant had a hard time walking because she did not have on shoes and because of her “level of intoxication.” As a result, she was “physically helped over to the vehicle.” Appellant was transported to the hospital for medical clearance.

A Welfare and Institutions Code section 602 petition was filed on April 29, 2013 alleging appellant had committed one count of being under the influence of alcohol in a public place, a violation of Penal Code section 647, subdivision (f), a misdemeanor.

At the conclusion of the contested hearing, defense counsel argued appellant was not guilty because she was only in a public area because she had been “compelled [there] by the authority of her parents.” The court sustained the allegation. In rejecting appellant’s argument, the court noted appellant had not been compelled to go to a public place by a police officer rather there was “a level of compulsion from her parents,” but “no state action involved.” The court also noted appellant was at other places before the fire station, “not necessarily compelled by her parents.”

The court placed appellant on probation with standard conditions and imposed four days in custody with four days of custody credit.

### **DISCUSSION**

The record supports the juvenile court’s finding that appellant violated Penal Code section 647, subdivision (f).

Penal Code section 647 provides in pertinent part: “[E]very person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: [¶] . . . [¶]

(f) Who is found in any public place under the influence of intoxicating liquor . . . in a condition that he or she is unable to exercise care for his or her own safety or the safety of others . . . .” (*Id.*, subd. (f).)

When Officer McCoy contacted appellant she was at the firehouse, a public place, and she was clearly intoxicated and unable to exercise care for her own safety. Appellant had to be helped out of the truck, she could not stand without assistance, she smelled of alcohol, her eyes were bloodshot, she yelled obscenities at her parents, and she admitted drinking an entire bottle of Old Crow.

We further reject the argument made by appellant’s counsel at the jurisdictional hearing that appellant was not guilty because she was compelled by her parents to be in a public place. We have found no case law supporting appellant’s position. Rather, cases holding a defendant was unlawfully compelled to be in a public place involve police officers removing an individual involuntarily from somewhere other than a public place after observing him or her to be under the influence of drugs or alcohol. (See *In re David W.* (1981) 116 Cal.App.3d 689; also see *In re R.K.* (2008) 160 Cal.App.4th 1615 [a person who acquiesces in the police’s request to accompany the officer to a public place cannot be found in violation of Pen. Code, § 647, subd. (f)].) Such is not the case here.

Appellant was represented ably by counsel throughout the proceedings. There was no dispositional error.

We have reviewed the entire record and find no arguable issues requiring further briefing.

Accordingly, the judgment is affirmed.

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Margulies, Acting P.J.

We concur:

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Dondero, J.

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Becton, J.\*

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\* Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.