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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

A.C.,

Defendant and Appellant.

A139983

(Solano County
Super. Ct. No. J42062)

A.C.¹ appeals following a contested jurisdictional hearing and dispositional order of the juvenile court. The minor filed a timely notice of appeal, and appellate counsel was appointed to represent him. Appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), in which she raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106, 124.) Counsel attests that the minor was advised of his right to file a supplemental brief. We have received no such brief.

We have examined the entire record in accordance with *Wende*. We conclude that no arguable issue exists on appeal and affirm.

¹ Hereinafter referred to as “the minor.”

Procedural Background

A. First Offense

On June 19, 2013, the Solano County District Attorney filed a juvenile wardship petition charging the minor with four counts: two counts of second degree commercial burglary (Pen. Code § 459),² and two counts of petty theft (§ 484, subd. (a)). On July 11, 2013, the minor waived his constitutional rights and admitted a violation of Penal Code section 459 as a misdemeanor. The prosecutor dismissed the remaining counts and agreed to consider informal probation.

On August 22, 2013, the court ordered the minor committed to juvenile hall for two days, with credit for two days served. The minor was granted informal probation without wardship, subject to terms and conditions.

B. Second Offense

On August 23, 2013, the Solano County District Attorney filed a juvenile wardship petition charging the minor with one felony count of commercial burglary (§ 459).

At a contested jurisdictional hearing held on September 16, 2013, the court found the felony allegation true. On October 7, 2013, the minor requested that the court reduce the charge to a misdemeanor pursuant to section 17, subdivision (b). The district attorney opposed the request. The court denied the request and adjudged the minor a ward of the court, placing him on felony wardship probation, subject to terms and conditions, including drug and alcohol counseling and testing. The minor was committed to juvenile hall for 43 days and given 43 days' credit. He was also ordered to pay a restitution fine in the amount of \$100 along with direct restitution to the victim in an amount to be determined.

² All further statutory references are to the Penal Code unless otherwise indicated.

Statement of the Facts

A. First Offense³

On June 6, 2013 at approximately 7:30 p.m., a police officer received a report that two male minors had stolen bicycles from a Wal-Mart. Shortly thereafter, the officer spotted two individuals matching the description that he had been given. The officer initiated a traffic stop of the individuals, and the first person, later identified as the minor, stopped. The second person fled on his bicycle. The officer pursued, but the second person was never found.

The officer read the in-field admonishment to the Wal-Mart loss prevention officer and transported him to the location where the minor was found. The loss prevention officer identified the minor as one of the persons who had stolen bicycles from Wal-Mart earlier that day. The police officer read the minor his *Miranda* rights (*Miranda v. Arizona* (1966) 384 U.S. 436). The minor said that he understood his rights and that he did not want to speak to the officer. The minor was not asked any further questions.

B. Second Offense⁴

On August 23, 2013 at approximately 1:00 a.m., Officers Apley and Aldredge of the Fairfield Police Department responded to an alarm at Sheldon Elementary School. Officer Aldredge testified that when they arrived at the location he heard three loud banging sounds coming from the south side of the school office building. After hearing the sounds, the officers moved toward the northwest corner of the building and notified dispatch, then waited for additional officers. Once the additional officers arrived, Aldredge and Apley searched the campus.

While searching the campus, Officer Aldredge received a report of two suspects fleeing through the school; he then saw a person, whom he identified as the minor, running through the school. Aldredge yelled for him to stop two or three times, but the

³ The facts of this incident are taken from the probation officer's report for this case.

⁴ The facts regarding this incident were taken from the reporter's transcript of the contested jurisdictional hearing.

minor continued running. Aldredge and the other officers chased the minor until the minor lost his footing and fell. Aldredge then handcuffed the minor and walked with him back to the patrol car.

Aldredge and the other officers searched the school and discovered a classroom at the far south end of the school with a shattered window. Claudia Nimatur, the head custodian at the school, testified that she went to the school around 1:00 in the morning, because “the police called me, and the alarm system called me.” When she arrived the police showed her various pieces of property, including several computer speakers and a power adapter. According to Nimatur, all of the items came from room 19, a classroom at the school.

Officer Shane Raftery of the Fairfield Police Department also testified at the jurisdictional hearing. Officer Raftery stated that he spoke with the minor while he was in the rear of the patrol car. After being advised of his *Miranda* rights, the minor told Raftery he had consumed a large amount of alcohol and admitted breaking the window, but could not explain why he was on the school grounds. The minor believed that his failure to come up with a reason was due to his alcohol consumption. Police recovered a pair of gloves and a backpack with miscellaneous items inside. The minor indicated the items were his.

Ms. Nimatur also testified that she went to room 19 the day after the incident. The cabinets were open, desks were on their sides, and a computer was on the floor.

C. The Minor’s Background⁵

The minor was 15 years old when he committed both of the offences in these proceedings. He had no juvenile history prior to the bicycle theft.

The minor lived with his mother. Rather than come home when he was supposed to, the minor visited friends, including the friend with whom he broke into the school. The minor reported to the probation officer that he started smoking marijuana when he was 13, quitting recently. He told the probation officer that he started drinking alcohol

⁵ The information in this section is taken from the probation officer’s dispositional reports for each of the underlying offences.

when he was 14, but only drinks on holidays and special occasions. The minor’s mother reported that he was hospitalized in February 2013 for consuming 20 pain relief pills, which he did to “feel a high.” The minor was taken to a mental health hospital and released.

Disposition

The minor was at all times represented by competent counsel during each of the proceedings who ably protected his rights and interests. We find no indication in the record counsel provided ineffective assistance. The court acted well within its discretion when making its dispositional orders. It is apparent from the record the court reviewed the relevant materials before it. The court explained its reasoning and made all necessary findings.

The court has reviewed the entire record in accordance with *Wende*, and finds no arguable issues requiring further briefing.

Accordingly, the judgment is affirmed.

Becton, J.*

We concur:

Dondero, Acting P.J.

Banke, J.

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