

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNATHAN B.,

Defendant and Appellant.

A140622

(Contra Costa County  
Super. Ct. No. J1101051)

After sustaining an allegation that appellant Johnathan B. committed battery causing serious bodily injury and adjudging him a ward of the court, the juvenile court ordered Johnathan released to the custody of his parents on home supervision and juvenile electronic monitoring (JEM). Over the following three years, Johnathan admitted ten probation violations, ultimately resulting in his placement at the Youth Offender Treatment Program. Johnathan timely appeals from the dispositional order.

Johnathan’s appointed appellate counsel has briefed no issues and asks us to independently examine the record in accordance with *People v. Wende* (1979) 25 Cal.3d 436, to determine if there are any arguable issues that require briefing. Johnathan was apprised of his right to file a supplemental brief, but he did not do so. We have conducted our review, conclude there are no arguable issues that require briefing, and affirm.

## **BACKGROUND**

Johnathan's lengthy involvement with the juvenile justice system began on January 29, 2011, when police officers were investigating a report of a gang fight inside a bookstore. When officers attempted to search 14-year-old Johnathan, who was dressed in what appeared to be Norteño gang clothing, he resisted, so he was taken to the ground and handcuffed. A search uncovered a pack of cigarettes and a container of BB's.

On August 12, the district attorney filed a Welfare and Institutions Code section 602 petition alleging that Johnathan committed one count of resisting a peace officer (Pen. Code, § 148, subd. (a)(1)) and one count of possession of tobacco products/paraphernalia (Pen. Code, § 308, subd. (b)), both misdemeanors.

Three weeks later, Johnathan approached a 13-year-old schoolmate and demanded the bicycle he was riding. When the boy refused to turn it over, Johnathan punched him in the face several times, knocking him to the ground. Johnathan continued to punch him on the ground, eventually walking away without the bicycle. The boy returned to school and reported the incident, and Johnathan was arrested the next day. The district attorney filed an amended petition, adding a charge of attempted second degree robbery (Pen. Code, §§ 211/212.5, subd. (c)/664).

At a hearing on September 13, the district attorney moved to add a fourth count, felony battery causing serious bodily injury (Pen. Code, § 243, subd. (d)). The court granted the motion, Johnathan pleaded no contest to the added charge, and the court dismissed the remaining three counts.

At a November 29 disposition hearing, the court adjudged Johnathan a ward of the juvenile court and released him to his parents on home supervision and JEM for 90 days. His probation included standard terms and conditions, including that he not use or possess alcohol or drugs.

On December 6, the probation department filed a notice of probation violation, alleging that five days earlier, Johnathan had been suspended from school for alcohol consumption on school grounds. Johnathan admitted the probation violation, and the court extended his JEM placement for an additional 30 days.

A month later, the probation department filed a second notice of probation violation, alleging that Johnathan had again been suspended from school, this time following an altercation with another student. He was also seen smoking, was found to be under the influence of alcohol, and tested positive for marijuana and methamphetamine.

After Johnathan admitted the alcohol-related violation, the probation department filed a report in which it noted that Johnathan was on the verge of being expelled from school, and had had numerous problems involving alcohol and altercations with other students. It recommended one final opportunity on home supervision, during which time Johnathan was to participate in outpatient substance abuse counseling.

At a January 31, 2012 disposition hearing, the court ordered Johnathan to complete outpatient substance abuse counseling and attend AA meetings pending entry into a substance abuse program.

In a March 6 report, the probation department noted that Johnathan had been consistently participating in a substance abuse program, although he had experienced one relapse. Three days later, however, it filed a notice of probation violation, alleging that on March 6, Johnathan had left home without permission and failed to adhere to his curfew. Johnathan's father had also detected alcohol on his son. Johnathan admitted the probation violation, and at a March 26 disposition hearing, the court ordered him committed to the Orin Allen Youth Rehabilitation Facility (OAYRF) for a six-month program.

On May 1, the probation department filed a fourth notice of probation violation, alleging Johnathan had been involved in a fight with another OAYRF resident. After Johnathan admitted the violation, the court added 30 day to his OAYRF commitment.

On August 28, the probation department filed yet another notice of probation violation, alleging Johnathan violated the conditions of a 48-hour home pass from OAYRF and the terms of his probation by failing to remain directly supervised by his parents, consuming alcohol, resisting arrest, and associating with someone subject to no contact order. According to a subsequent probation report, the CHP had stopped a car

after noticing that the driver was not wearing a seatbelt. The officer approached the car and saw several beer cans inside. When the officer asked Johnathan, who was in the passenger seat, to step out of the car, he fled the area. He was later arrested for resisting arrest and possession of alcohol.

Once again, Johnathan admitted the violations, and the court added an additional 60 days to Johnathan's OAYRF commitment. Johnathan finally graduated from OAYRF on November 9.

Johnathan did not stay free from trouble for long, however, as the probation department filed a sixth notice of probation violation on January 28, 2013, alleging Johnathan had violated his curfew, been suspended from school for being under the influence of alcohol, and left home without permission. His whereabouts were unknown, and a warrant was issued for his arrest.

Johnathan was arrested on February 25, and he admitted he had violated curfew and been suspended from school in violation of his probation. The probation department recommended that Johnathan be removed from his parents' custody and placed in a court-approved home or institution.

At a March 20 disposition hearing, the court followed the probation department's recommendation, ordering Johnathan into out-of-home placement.

On April 12, Johnathan was placed at Koinonia Group Home. Within two weeks, he had absconded, only to be located nearby and returned to the program.

On July 16, the probation department filed a notice of probation violation after Johnathan again absconded from his Koinonia placement, this time during transportation from a court hearing back to the program. His whereabouts were unknown, and a warrant was issued for his arrest.

Johnathan was arrested a month later and subsequently admitted the probation violation.

On September 30, Johnathan was placed at Wilderness Recovery, a substance abuse treatment program for teens and adults. During the drive to the program, Johnathan jumped out of the car and ran. A notice of probation violation was filed the

following day, and a warrant issued for his arrest. Johnathan was again arrested a month later.

On November 1, Johnathan admitted the probation violation. He was accepted for placement at Bar-O-Boys Ranch, but when transportation arrangements were made, he refused to go, resulting in another probation violation. He was later reaccepted at Bar-O-Boys Ranch but again refused to go, resulting in yet another probation violation and continued detention at juvenile hall.

On December 17, Johnathan was committed to the Youth Offender Treatment Program, with a maximum time of confinement of two years, 283 days.

Johnathan filed a notice of appeal the following day.

**DISPOSITION**

Having reviewed the entire record, we agree with appellate counsel that there are no issues requiring briefing. The juvenile court's dispositional order is affirmed.

---

Richman, J.

We concur:

---

Haerle, Acting P.J.

---

Brick, J.\*

---

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