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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

In re J.G., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.G.,

Defendant and Appellant.

A140911

(Alameda County  
Super. Ct. No. SJ13-021526)

J.G. appeals from a dispositional order committing him to the county jail in this proceeding under Welfare and Institutions Code section 602. He contends the commitment was not authorized by law. We will dismiss the appeal as moot.

I. FACTS AND PROCEDURAL HISTORY

A petition filed under Welfare and Institutions Code section 602 alleged that J.G.—then aged 17 years 11 months—perpetrated several offenses including the making of a criminal threat (Pen. Code, § 422, subd. (a)). J.G. entered a negotiated admission of the criminal threat charge and the court found the offense to be a felony, dismissed the remaining counts, and referred the matter to the guidance clinic for a mental health evaluation.

The probation department initially recommended that J.G. be placed at a camp, subject to the guidance clinic's evaluation. The guidance clinic recommended against camp placement, however, because J.G. had "a history of anger issues," was diagnosed with "Psychotic Disorder, Not Otherwise Specified," and without mental health services would be at risk for reoffending.

The juvenile court continued the matter and placed J.G. temporarily in his father's home on GPS monitoring.

The day after J.G. was released to his father, he removed his GPS anklet and absconded. The court issued a bench warrant, and when J.G. was detained on the warrant, he resisted arrest. Having turned 18 years old, he was booked into Santa Rita Jail on the resisting charge. When the prosecutor did not file a complaint on this charge, J.G. was returned to juvenile hall.

The probation department thereafter recommended that J.G. be placed in his father's home on probation, noting that J.G. had told the probation officer that he disliked being in juvenile hall "and would rather be in Santa Rita Jail because he would be able to 'do whatever I want' " there.

At the disposition hearing, the court proposed to put the matter over for 90 days (with J.G. in Santa Rita Jail, as he requested) and then dismiss the case, but J.G.'s attorney insisted the court had no authority to do so. After further colloquy, the court declared wardship, placed J.G. on probation, and began to order that J.G. spend a year at juvenile hall; when J.G. expressed his preference for spending the year at Santa Rita Jail, however, the court relented.

The written dispositional order states, "Based on the age, request of the ward and his apparent suitability for detention at Santa Rita, it is recommended that pursuant to [Welfare and Institutions Code] section 208.5 [ ] that said ward be delivered to the custody of the sheriff pending further disposition of this matter."

The court continued the matter to March 13, 2014. J.G. filed a notice of appeal from the disposition on February 5, 2014. On March 17, 2014, the juvenile court terminated wardship.<sup>1</sup>

Respondent filed a motion in this court seeking dismissal of J.G.'s appeal as moot, since the juvenile court no longer had jurisdiction over J.G. J.G. opposed the motion and sought judicial notice of this court's files in three other cases, to which respondent objected. We deferred consideration of respondent's motion to dismiss the appeal and request to take judicial notice, and the minor's request to take judicial notice, pending the court's consideration of the merits of the appeal.

## II. DISCUSSION

We usually must dismiss an appeal as moot when it is no longer possible for this court to grant the appellant effectual relief. (*Paul v. Milk Depots, Inc.* (1964) 62 Cal.2d 129, 132.) Thus, if the juvenile court no longer has jurisdiction over the appellant, we are ordinarily obliged to dismiss the appeal. (See, e.g., *In re Michelle M.* (1992) 8 Cal.App.4th 326, 330 [appellate court had no jurisdiction over appeal once juvenile court terminated its jurisdiction in a proceeding under Welf. & Inst. Code, § 300]; *In re Jody R.* (1990) 218 Cal.App.3d 1615, 1621 [stating general rule].)

In the matter before us, there is no dispute that the juvenile court's jurisdiction over J.G. has ended. Therefore, even if we were to decide the merits of J.G.'s appeal, reverse the disposition order, and remand to the juvenile court, the juvenile court would not have jurisdiction to enter a new disposition. We therefore cannot grant J.G. effectual relief, and the matter is moot.

J.G. urges that we should nonetheless exercise our discretion to consider the appeal on the merits, because the action involves a matter of continuing public interest and the issue is likely to recur. (See *In re Jody R.*, *supra*, 218 Cal.App.3d at p. 1622; *In re Charles G.* (2004) 115 Cal.App.4th 608, 611.) More particularly, J.G. requests

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<sup>1</sup> Respondent filed a motion requesting that we take judicial notice of the juvenile court's March 17, 2014, order terminating wardship. We grant the request.

that we “issue a published opinion to address the apparent pattern and practice at Alameda County Juvenile Court of unlawfully ‘sentencing’ section 602 juvenile wards to serve time at Santa Rita County Jail, an adult facility.” He contends “the record in this case clearly shows the juvenile court commissioner, the probation department and the district attorney routinely rely on the established practice of committing juvenile wards to county jail.” To support this, he points to predisposition hearings at which the commissioner indicated he did not want to place J.G. in Santa Rita Jail “at this point” and later warned J.G. he would have to spend time in custody, possibly in “Santa Rita.” Furthermore, J.G. argues, the “records in *other* Alameda County juvenile cases prove that this unlawful disposition is ongoing and is not ‘fact specific’ to this case.” In this regard, J.G. has filed a request for judicial notice of materials from three other Alameda County cases in which the juvenile court placed an 18-year-old ward at Santa Rita Jail.<sup>2</sup>

In addition, J.G. argues that “the issue is one which has repeatedly evaded appellate review because of the slow pace of appellate proceedings compared to the expedited pace of juvenile proceedings.” (Citing *In re Abbigail A.*, review granted Sept. 10, 2014, S220187; *In re Raymond G.* (1991) 230 Cal.App.3d 964, 967.) Essentially, he asserts that we should consider the matter because if we do not, there will never be a time when the issue can be reviewed, since—he argues—the juvenile court routinely dismisses these matters shortly after the notice of appeal is filed. Therefore, we should do as other courts have done and rule on the merits of J.G.’s claim and then dismiss the appeal as moot. (*In re Charles G.*, *supra*, 115 Cal.App.4th at pp. 611, 619 [deciding commitment to adult facility was not authorized and dismissing appeal as moot]; *In re Ramon M.* (2009) 178 Cal.App.4th 665, 675 [deciding issue and dismissing moot portion of appeal]; see *In re Maria A.* (1975) 52 Cal.App.3d 901, 904 [annulling juvenile court’s commitment of 18-year-old ward to county jail, even though ward had already completed term of incarceration].) And, he urges, while there are published cases settling the issue of committing juvenile wards to

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<sup>2</sup> We grant J.G.’s request for judicial notice, for the purpose of deciding whether we should exercise our discretion to decide the merits of the appeal.

county jail, they are not from this appellate district. (See, e.g., *In re Ramon M.*, *supra*, 178 Cal.App.4th 665 [Fourth Appellate District]; *In re Charles G.*, *supra*, 115 Cal.App.4th 608 [Third Appellate District]; *In re Jose H.* (2000) 77 Cal.App.4th 1090 [Sixth Appellate District].)

J.G.'s arguments fail to persuade us that we must diverge from the usual mandatory dismissal of moot appeals. The materials he has submitted to us do not establish a juvenile court practice of sentencing juveniles to county jail. (Indeed, in this case, it was J.G.'s dogged insistence that he be sent to Santa Rita Jail that triggered the disposition from which he now appeals.) And even if they did, J.G. fails to show how our issuance of an opinion on the merits in this appeal would remedy the situation he perceives. As J.G. himself points out, there are already a number of appellate decisions holding that juveniles cannot be sentenced to county jail. Although those decisions are not from this appellate district, all trial-level courts are obliged to follow the precedent of California appellate courts, regardless of the appellate district from which the decisions are issued. (See *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.) And while the courts in *In re Charles G.* and other cases found the need to address moot issues in order to resolve legal questions that had not yet been answered, the opinions in those cases have removed the need for us to do so here.

We will therefore dismiss the appeal as moot.

### III. DISPOSITION

The appeal is dismissed.

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NEEDHAM, J.

We concur.

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SIMONS, Act. P. J.

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BRUINIERS, J.