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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

R.A.,

Defendant and Appellant.

A141486

(Solano County
Super. Ct. No. J41876)

On September 28, 2011, the Contra Costa Superior Court declared appellant, then 14 years old, a ward of the court under section 602 of the Welfare and Institutions Code¹ after finding he committed an act constituting first degree residential burglary (Pen. Code, §§ 459, 460, subd. (a)). Appellant was released to his mother’s custody under the supervision of the county probation department with no termination date. On January 31, 2013, the case was transferred to Solano County because of a change of residence of appellant and his mother.

After the filing of a new section 602 petition and a jurisdictional hearing on August 13, 2013, the San Francisco Superior Court found appellant had committed acts constituting the felony offenses of second degree robbery (Pen. Code, §§ 211, 212.5,

¹ All further unspecified statutory references are to the Welfare and Institutions Code.

subd. (c)) and assault by force likely to cause great bodily injury (Pen. Code, § 245, subd. (a)(4)), and the case was transferred to Solano County for disposition. At the dispositional hearing, the court continued appellant as a ward of the court and committed him to juvenile hall for 120 days, directing that appellant was to serve 43 days in juvenile hall, be given credit for time served of 47 days, and then allowed to serve 30 days on “EMP” (Electronic Monitoring Program) in lieu of juvenile hall while released to the custody of his mother under the supervision of the probation department.

On December 5, 2013, the Solano County probation department filed the current section 602 petition alleging that appellant had violated probation by failing to attend school regularly and displaying inappropriate behavior in school. At a jurisdictional hearing, appellant admitted the allegations. At a contested dispositional hearing, the juvenile court heard testimony concerning various placements for appellant, including the Challenge program, a nine-month custodial program that included an educational component in Solano County, and New Foundations, a four-month custodial program mainly dealing with substance abuse. The probation officer did not believe appellant’s minimal use of marijuana warranted placement at New Foundations. The juvenile court found that placement in New Foundations would not be appropriate because there was “not one shred of evidence . . . that [appellant had] any sort of a drug addiction,” and appellant sought placement there only when he learned that Challenge was “twice as long.” Although neither party asked the court to do so, the court also considered placement at the Day Reporting Centers program, but found the program did not offer sufficient supervision given appellant’s “history of absconding and the seriousness of his offenses.” The juvenile court continued appellant as a ward of the court and committed him to juvenile hall for 141 days (180 days with credit for time served of 39 days). On completion of his juvenile hall commitment, appellant would be released to the custody of his mother under the supervision of the probation department.

Appellant’s counsel has briefed no issues and asks us to independently review the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436 (Wende).) As required by *People v. Kelly* (2006) 40 Cal.4th 106, 124, we

affirmatively note that appellant has been informed of his right to file a supplemental brief and he has not filed such a brief. We have examined the entire record in accordance with *Wende*. We agree with appellant's counsel that there are no issues requiring further briefing. Appellant was represented by counsel and received a fair dispositional hearing. The record does not reflect any error or abuse of discretion in the court's disposition.

DISPOSITION

The dispositional order is affirmed.

Jenkins, J.

We concur:

Pollak, Acting P. J.

Siggins, J.