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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

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

THE PEOPLE,

Plaintiff and Respondent,

v.

A.O.,

Defendant and Appellant.

A141710

(Humboldt County  
Super. Ct. No. JV090132)

Minor A.O. (Minor) appeals a dispositional order committing him to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (also Division of Juvenile Facilities; hereafter DJJ).<sup>1</sup> He contends the juvenile court abused its discretion in committing him to DJJ rather than to a less restrictive placement, that it erred in calculating his maximum term of physical confinement and custody credits, and that the court improperly imposed terms of probation. We conclude the juvenile court did not abuse its discretion in committing Minor to DJJ, but shall remand

<sup>1</sup> In 2005, the powers of the Department of the Youth Authority (or California Youth Authority, or CYA) were transferred to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF). (Gov. Code, § 12838.5; Welf. & Inst. Code, § 1710.) DJF is part of DJJ. (*In re D.J.* (2010) 185 Cal.App.4th 278, 280, fn. 1.) The record below refers to the authority to which Minor was committed as DJJ, and we shall do likewise.

the matter to the juvenile court and direct it to redetermine Minor's confinement time and custody credits and to strike any probation conditions.

## **I. BACKGROUND**

Minor came to the attention of the juvenile court in 2009, when he was 13 years old. According to a petition filed by the district attorney, Minor committed two acts of misdemeanor vandalism in late 2008, when he was 12 years old. (Pen. Code, § 594, subd. (b)(2).) According to the probation officer's report, in September 2008, Minor and two companions defaced a shack and car with paint, and in November 2008, Minor was found next to a vehicle with a freshly broken window. Minor reported he had begun using alcohol and marijuana at the age of nine, and he smoked tobacco daily. The court placed Minor on informal supervision pursuant to Welfare and Institutions Code section 654.2 on November 16, 2009.

A first amended petition was filed in April 2010, adding allegations of one count of burglary (Pen. Code, §§ 459, 460, subd. (a)) and two counts of receiving stolen property (Pen. Code, § 496, subd. (a)). According to a dispositional report, on April 8, 2010, Minor and two cohorts entered a residence and took a jar of peanut butter, a bottle of wine, and a laptop computer. Minor admitted one count of vandalism and one count of receiving stolen property, and the remaining counts were dismissed. In May 2010, the juvenile court declared Minor a ward of the court (Welf. & Inst. Code, § 602) and placed him on probation in his mother's home.

A second petition was filed in October 2010. As later amended, the petition alleged Minor had committed burglary of a residence (Pen. Code, § 459), receiving stolen property (Pen. Code, § 496, subd. (a)), and residential trespass (Pen. Code, § 602.5, subd. (a)), and that he had violated his probation. According to the probation officer's report, Minor and a friend broke into a house to steal money. Minor admitted the counts alleging trespass, receiving stolen property, and violation of probation, and the burglary count was dismissed. The juvenile court continued him as a ward and placed him on probation in his mother's home in January 2011.

A third petition was filed in March 2011, alleging Minor had committed petty theft (Pen. Code, § 488), possessed an alcoholic beverage in a public place (Bus. & Prof. Code, § 25662, subd. (a)), and violated his probation. The petition was later amended to allege in addition that he committed residential burglary and commercial burglary in separate incidents in April 2011 (Pen. Code, §§ 459, 460) and additional grounds for the allegation that he violated his probation. The residential burglary count was dismissed and Minor admitted the commercial burglary count as a misdemeanor and the remaining counts as filed. According to the probation officer's report, Minor and a companion stole a bottle of alcohol from a supermarket in February 2011. Minor was found in violation of his curfew in March 2011. In April 2011, Minor and two companions stole about 40 cartons of cigarettes from a store. In July 2011, the juvenile court retained Minor as a ward of the court and placed him on probation, with the requirement that he serve 117 days in juvenile hall.

A fourth petition was filed in November 2011, alleging Minor had committed residential burglary (Pen. Code, § 459), received stolen property (Pen. Code, § 496, subd. (a)), possessed burglar tools (Pen. Code, § 466), and violated his probation. After the burglary count was reduced to misdemeanor residential trespass (Pen. Code, § 602.5, subd. (a)), Minor admitted the allegations in December 2011. According to a probation officer's declaration, Minor and a companion stole Minor's grandmother's car keys from her house, apparently after prying open her front door, and stole her vehicle.

A fifth petition was filed in early January 2012, alleging Minor had failed to return to juvenile hall, committed petty theft (Pen. Code, § 488), and violated his probation. The petition was later amended to allege Minor had committed robbery (Pen. Code, §§ 211, 212.5, subd. (c)) and personally used a deadly or dangerous weapon, a BB gun, in the commission of the offense (Pen. Code, §§ 12022, subd. (b)(1), 1192.7, subd. (c)(23)). Minor had been detained in juvenile hall, and was given a day pass to spend Christmas day with his family. While his mother was driving him back to juvenile hall, Minor jumped out of the vehicle and ran away. Two days later, Minor and a companion stole one dollar and a package of cookies from a Subway restaurant at gunpoint, apparently

using a BB gun. The next day, Minor was caught stealing items from a grocery store and was arrested. He explained to a detective that after he escaped from his mother's vehicle, he socialized with friends and smoked methamphetamine. Minor admitted committing robbery and violating his probation, and the remaining counts and the allegation that he personally used a deadly or dangerous weapon were dismissed.<sup>2</sup>

A contested disposition hearing took place in August 2012. The probation department recommended that Minor be committed to DJJ. A probation department report indicated Minor had been found eligible for services at the Northern California Regional Facility (the Regional Facility). The report also noted that if Minor were committed to DJJ, he would receive a diagnostic evaluation upon arrival to determine appropriate placement and housing in the facility. He would receive individual, small group, and large group counseling; cognitive behavior therapy; aggression replacement training; gang intervention; victim empathy and substance abuse counseling; and educational services. A psychologist who had assessed Minor concluded he was easily influenced by others and expressed concern that he would be at risk of adapting to confinement at DJJ by "associating with an antisocial peer group for protection and status," and his mother likewise expressed concern about the effects of a DJJ commitment because Minor was a "follower" rather than a leader. The juvenile court indicated it was not prepared to commit Minor directly to DJJ and asked the probation department to look into alternative dispositions.

The juvenile court imposed but stayed a commitment to DJJ and ordered Minor to remain in juvenile hall for 133 days, then participate in the New Horizons program, a six-month intensive treatment program at the Regional Facility, and spend an additional 365 days in juvenile hall upon completion of the New Horizons program. At the New Horizons program, Minor participated in five group sessions per week, which included aggression replacement training and a substance abuse group, as well as individual

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<sup>2</sup> The prosecutor informed the juvenile court that Minor was not the one who personally had possession of the BB gun.

counseling and family counseling. In May 2013, as Minor approached the end of the six-month period, the juvenile court allowed him to remain in the Regional Facility rather than returning to juvenile hall.

In September 2013, the probation officer recommended that Minor be released to his mother's custody, and the court granted the request, subject to electronic monitoring.

On the night of September 26, 2013, a few days after he was released, Minor failed to return home at night. His whereabouts were unknown until October 20, 2013, when he was found in an area where shots had been fired. He was detained in juvenile hall. Minor admitted the allegation that he failed to return home and his whereabouts were unknown.

Minor later explained to a psychologist that he had left campus to get lunch at home, not realizing it was a violation of probation to do so. When he realized he had violated his probation, he panicked and ran away to avoid being sent back to juvenile hall. During the approximately three weeks he was on the run, he began using methamphetamine again and was recruited or pressured into preparing to take part in a "gang-related task," although the activity was not completed. The psychologist concluded that if released to the community Minor was at risk of reoffending, but also expressed concern that if Minor were committed to DJJ, he would be heavily influenced by peer culture and would become "fully socialized as a career criminal." The psychologist recommended that Minor receive services in a controlled and structured environment, and then "a more protracted transition process than he received from detention to being in the community." The psychologist opined that the New Horizons program would be appropriate for Minor.

The District Attorney filed a notice of hearing on December 12, 2013, alleging Minor had violated his probation by attempting to commit a violent injury on another minor, B.E., in juvenile hall. B.E. reported that Minor had asked if he "banged," and after B.E. replied that he was "trying to get away from that," Minor "came at him throwing punches." Minor yelled gang-related epithets at B.E. Minor admitted the allegation.

At the April 2014 dispositional hearing, the probation department recommended Minor be committed to DJJ. Minor testified that he was three credits away from completing his high school diploma. He acknowledged that he was associated with a gang, although he was not a full member, and that he “hung out with them and did bad stuff,” such as “doing drugs and harming people.” He admitted using drugs, including methamphetamine and heroin, during the weeks he was missing in the fall of 2013. Some of Minor’s family members testified that they were concerned that if Minor were committed to DJJ, he would be led further astray by other juveniles there.

The juvenile court committed Minor to DJJ. In doing so, the court noted that it had tried every local opportunity, and that with Minor’s 18th birthday approaching, Minor was at risk of being sent to state prison if he continued his illegal activities. The court characterized DJJ as “the only middle ground that I think has a chance of preventing that from occurring.” The court calculated the maximum term of confinement as seven years, eight months, and sixteen days.

## **II. DISCUSSION**

### **A. Commitment to DJJ**

Minor contends the juvenile court abused its discretion by committing him to DJJ rather than to a less restrictive placement. According to Minor, the record does not show that he will benefit from placement in DJJ; rather, he contends, he is likely to be led into further criminality at DJJ. Moreover, he argues, he did well at the Regional Center, and there is no evidence that a less restrictive placement than DJJ would be ineffective or inappropriate.

“The appellate court reviews a commitment decision for abuse of discretion, indulging all reasonable inferences to support the juvenile court’s decision. [Citations.] Nonetheless, there must be evidence in the record demonstrating both a probable benefit to the minor by a CYA commitment and the inappropriateness or ineffectiveness of less restrictive alternatives. [Citations.] A CYA commitment may be considered, however, without previous resort to less restrictive placements. [Citations.]” (*In re Angela M.* (2003) 111 Cal.App.4th 1392, 1396; see *In re Teofilio A.* (1989) 210 Cal.App.3d 571,

576–577; *In re M.S.* (2009) 174 Cal.App.4th 1241, 1250.) In making its finding of probable benefit, “[t]here is no requirement that the court find exactly how a minor will benefit from being committed to DJJ. The court is only required to find if it is probable a minor will benefit from being committed.” (*In re Jonathan T.* (2008) 166 Cal.App.4th 474, 486.)

Welfare and Institutions Code section 202, subdivision (b), provides that minors who are under the jurisdiction of the juvenile court as a result of delinquent behavior “shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter.” “Punishment” is defined as “the imposition of sanctions,” which may include payment of a fine, community service, conditions of probation or parole, “[c]ommitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch,” and “[c]ommitment of the minor to the Division of Juvenile Facilities, Department of Corrections and Rehabilitation.” (Welf. & Inst. Code, § 202, subd. (e).) In reaching a suitable disposition for a minor who has been found to be a person described by Welfare and Institutions Code section 602, the juvenile court “shall consider, in addition to other relevant and material evidence, (1) the age of the minor, (2) the circumstances and gravity of the offense committed by the minor, and (3) the minor’s previous delinquent history.” (Welf. & Inst. Code, § 725.5.)

The court in *In re Carl N.* (2008) 160 Cal.App.4th 423, 432–433, explained the purposes of the governing law as follows: “The statutory declaration of the purposes of the juvenile court law is set forth in section 202. [Citation.] Before the 1984 amendment to section 202, California courts consistently held that ‘[j]uvenile commitment proceedings are designed for the purposes of rehabilitation and treatment, not punishment.’” [Citation.] California courts treated a commitment to CYA as ‘the placement of last resort’ for juvenile offenders. [Citation.] [¶] However, ‘[i]n 1984, the Legislature replaced the provisions of section 202 with new language which emphasized

different priorities for the juvenile justice system.’ [Citation.] Section 202, subdivision (b) . . . now recognizes punishment as a rehabilitative tool. [Citation.] . . . [¶] ‘Section 202 also shifted its emphasis from a primarily less restrictive alternative approach oriented towards the benefit of the minor to the express “protection and safety of the public” [citations], where care, treatment, and guidance shall conform to the interests of public safety and protection. [Citation.]’ [Citation.] ‘Thus, it is clear that the Legislature intended to place greater emphasis on punishment for rehabilitative purposes and on a restrictive commitment as a means of protecting the public safety.’ [Citation.] It is also clear . . . that a commitment to CYA ‘may be made in the first instance, without previous resort to less restrictive placements.’ ” (Accord, *In re Michael D.* (1987) 188 Cal.App.3d 1392, 1396.)

Applying these standards, we conclude the juvenile court did not abuse its discretion in committing Minor to DJJ. Minor had engaged in criminal conduct over the course of several years, and home supervision had been inadequate to restrain him. He had most recently been required to spend time in juvenile hall before entering the New Horizons treatment program at the Regional Center, but despite his apparent success while there, had reoffended almost immediately upon his release. After being apprehended, he attacked another youth in juvenile hall while shouting gang epithets. This evidence supports a conclusion that further time in a local program would not be effective. There was also evidence that at DJJ, Minor would have access to counseling and therapy focusing on, inter alia, substance abuse and gang involvement. Moreover, Minor was about to turn 18 years old, and, as the juvenile court noted, further criminal behavior could result in a prison term. We recognize that several members of Minor’s family and the psychologist who examined him expressed concern that he might fall under negative influences at DJJ. Nevertheless, on this record the juvenile court could reasonably conclude that Minor would receive a probable benefit from the commitment and that a less restrictive placement would be inappropriate or ineffective. (See *In re Angela M.*, *supra*, 111 Cal.App.4th at p. 1396.)

## **B. Maximum Term of Confinement and Custody Credits**

Minor contends the juvenile court erred in calculating and pronouncing Minor's maximum term of confinement and calculating his custody credits.

“When a juvenile court sustains criminal violations resulting in an order of wardship (Welf. & Inst. Code, § 602), and removes a youth from the physical custody of his parent or custodian, it must specify the maximum confinement term, i.e., the maximum term of imprisonment an adult would receive for the same offense. (Welf. & Inst. Code, § 726.) Welfare and Institutions Code section 726 permits the juvenile court, in its discretion, to aggregate terms, both on the basis of multiple counts, and on previously sustained section 602 petitions in computing the maximum confinement term. [Citation.] When aggregating multiple counts and previously sustained petitions, the maximum confinement term is calculated by adding the upper term for the principal offense, plus one-third of the middle term for each of the remaining subordinate felonies or misdemeanors. [Citations.]” (*In re David H.* (2003) 106 Cal.App.4th 1131, 1133–1134.)

An additional statutory provision applies when a youth is committed to DJJ. In such a case, the ward “may not be held in physical confinement for a period of time in excess of the maximum period of imprisonment that could be imposed upon an adult convicted of the offense or offenses that brought or continued the minor under the jurisdiction of the juvenile court. *A ward committed to the Division of Juvenile Facilities also may not be held in physical confinement for a period of time in excess of the maximum term of physical confinement set by the court based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the juvenile court, which may not exceed the maximum period of adult confinement as determined pursuant to this section.*” (Welf. & Inst. Code, § 731, subd. (c), italics added.) Thus, the juvenile court has discretion to determine the maximum period of confinement to DJJ based on the facts and circumstances of the case, a term that “may not be more than that for a comparable adult, but may be less.” (*In re Geneva C.* (2006) 141 Cal.App.4th 754, 757–758, italics omitted.) As our Supreme

Court has explained, “[s]uccinctly put, the juvenile court must consider the crime’s relevant ‘facts and circumstances’ in determining whether the minor’s maximum commitment period should be equal to or less than the maximum confinement term for an adult.” (*In re Julian R.* (2009) 47 Cal.4th 487, 495.)

Finally, the court must credit against the term of confinement time the minor spent in custody before the disposition hearing. (*In re John H.* (1992) 3 Cal.App.4th 1109, 1111.) “It is the juvenile court’s duty to calculate the number of days earned, and the court may not delegate that duty.” (*In re Emilio C.* (2004) 116 Cal.App.4th 1058, 1067.)

Minor contends the juvenile court violated these requirements in three respects: first, by miscalculating the maximum period of imprisonment an adult could suffer for the offenses, second, by neglecting to determine Minor’s maximum commitment period at DJJ based on the facts and circumstances of the case, and third, by miscalculating his custody credits. The Attorney General makes no attempt to show the calculation of the maximum term of confinement an adult could suffer was accurate. Instead, the Attorney General simply argues the juvenile court is presumed to have followed the law that required it to consider the relevant facts and circumstances and that it implicitly ruled Minor’s maximum commitment period should be the same as the maximum term of confinement for an adult. (See *In re Julian R.*, *supra*, 47 Cal.4th at p. 499 [presuming, where juvenile court set maximum confinement term by completing appropriate Judicial Council commitment form, that court exercised discretion and determined appropriate confinement period was equal to maximum adult term].) The Attorney General concedes the juvenile court’s calculation of Minor’s custody credits was inadequate.

The juvenile court set a maximum term of confinement of seven years, eight months, and sixteen days. This number appears to have been derived from a probation officer’s report, which arrived at the same number by aggregating the terms for the sustained allegations in the various petitions, arriving at a total of nine years, ten months, and subtracting credit for time served.

The probation officer’s report used as the principal offense the robbery, and stated the maximum time for that offense was six years. (Pen. Code, §§ 211, 212.5, subd. (c).)

The calculation then added one-third the stated midterm for the remaining subordinate offenses. Minor argues that the maximum time for the robbery should have been five years and that the calculation for three of the subordinate offenses, for receiving stolen property, was incorrect. His contentions have merit.

The fifth petition alleged Minor had unlawfully and by means of force or fear taken personal property from a Subway employee in violation of Penal Code sections 211 and 212.5, subdivision (c), and that the maximum term of confinement was six years. This count included an enhancement allegation that Minor personally used a deadly and dangerous weapon. (Pen. Code, §§ 12022, subd. (b)(1), 1192.7, subd. (c)(23).)<sup>3</sup> Penal Code section 211 defines robbery, and section 212.5, subdivision (c), provides that all robbery except those specified in subdivisions (a) and (b) of that section are robbery of the second degree. Minor's offense, as alleged, does not fall within subdivisions (a) or (b) of Penal Code section 212.5. Second degree robbery is punishable by imprisonment for two, three, or five years. (Pen. Code, § 213, subd. (a)(2).) Section 12022, subdivision (b)(1) of the Penal Code, in turn, provides for an additional year of imprisonment for a person who personally uses a deadly or dangerous weapon in the commission of a felony. Thus, as charged, the robbery count and its enhancement carried a maximum term of six years. Before Minor admitted the robbery count, however, the allegation that he personally used a weapon was dismissed; as a result, the maximum term was five years.

Minor also points out that the calculation included two different maximum terms for receiving stolen property. For two of the offenses, the amount stated in the probation officer's report was one year, calculated as one-third of three years, and for the remaining offense, it was two months, or one-third of six months. We are unable to ascertain how these amounts were calculated, and, as we have noted, the Attorney General makes no attempt to explain them. Under Penal Code section 496, receiving stolen property is punishable by imprisonment in the county jail for a year or in state prison or the county

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<sup>3</sup> Penal Code section 1192.7 provides for limitations on plea bargaining for certain felonies, including one in which the defendant personally used a dangerous or deadly weapon. (Pen. Code, § 1192.7, subd. (c)(23).)

jail for 16 months, two years, or three years. (Pen. Code, §§ 496, 1170, subds. (h)(1), (3).) Neither of these numbers results in a subordinate term (one-third the midterm) of either a year or of two months. It therefore appears that the calculation of the maximum term an adult could suffer for the same offenses was inaccurate. It necessarily follows that any implicit finding that the facts and circumstances of the case made the same period of confinement appropriate for Minor was also flawed.<sup>4</sup>

In any case, we need not make a final determination of the correct maximum term of confinement. Minor argues that his custody credits were calculated incorrectly. He points to a number of apparent discrepancies between the calculation of the amount of time he had served in the probation officer's report, upon which the juvenile court appears to have relied, and the dates shown in the record. He also argues he is entitled to credit for the time he spent in custody between the dispositional hearing and the date he was transferred to DJJ, and that the record on appeal is inadequate for us to calculate the amount of that time. (See *In re J.M.* (2009) 170 Cal.App.4th 1253, 1256 [ward entitled to credit for time served in secure facility before commitment to group home].) The Attorney General concedes this final point, and asks us to remand the matter to allow the juvenile court to calculate the total credits earned.

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<sup>4</sup> We observe that the juvenile court did not use Judicial Council form JV-732, which includes boxes to be checked stating, "The maximum period of confinement is (*state years and months*)" and "The court has considered the individual facts and circumstances of the case in determining the maximum period of confinement." We take judicial notice of this form. (Evid. Code, § 452.) In presuming that the juvenile court in *In re Julian R.* had taken into consideration the facts and circumstances of the case, our Supreme Court noted that the juvenile court had completed the required preprinted Judicial Council commitment form. (*In re Julian R., supra*, 47 Cal.4th at pp. 493, 498–499; Cal. Rules of Court, rule 5.805(1).) In remanding the matter to the juvenile court to correct other errors, the Supreme Court directed the juvenile court "to complete Judicial Council form JV-732, as revised January 1, 2009, acknowledging that the court has considered the facts and circumstances of the offenses in determining the maximum period of Julian's physical confinement." (*Id.* at p. 500.) On remand, the juvenile court should likewise complete the current version of Judicial Council form JV-732, as revised January 24, 2012, making the same acknowledgement.

We have reviewed the record and agree with Minor that there are discrepancies between the probation department's calculation of Minor's custody credits and the time the record indicates he spent in custody. We shall therefore direct the juvenile court, on remand, to recalculate the amount of time Minor spent in custody before being transferred to DJJ, as well as to recalculate the maximum term an adult could suffer for the same offenses and exercise its discretion to determine Minor's maximum confinement time at DJJ.

### **C. Probation Condition**

At the April 21, 2014 dispositional hearing at which Minor was committed to DJJ, the juvenile court ordered that “[t]he terms, as outlined in the probation officer’s report that was received on October 6, 2014 (sic) are imposed and, specifically, that the minor is retained a ward of the Court, committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice . . . that the present offense is listed in [section] 707(b) of the Welfare and Institutions Code. [¶] And the Court does find, as I said before, that he would benefit from the reformatory education, discipline, or other treatment provided by the Division of Juvenile Justice and that he is a minor with exceptional needs. [¶] Additionally, the Court is ordering that he not . . . contact, annoy, threaten, or harass [B.E., the juvenile hall resident Minor had injured], in any manner.”<sup>5</sup>

Minor contends the juvenile court lacked authority to supervise him once he was committed to DJJ. He is correct. “Commitment to DJJ deprives the juvenile court of any authority to directly supervise the juvenile’s rehabilitation.” (*In re Travis J.* (2013) 222 Cal.App.4th 187, 202; accord, *In re Allen N.* (2000) 84 Cal.App.4th 513, 515–516 [“ ‘Commitment to the Youth Authority in particular, brings about a drastic change in the status of the ward which . . . removes the ward from the *direct supervision* of the juvenile court.’ ”]; *In re Edward C.* (2014) 223 Cal.App.4th 813, 829 [“[T]he juvenile court loses the authority to impose conditions of probation once it commits a ward to DJF.”].) It

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<sup>5</sup> The juvenile court appears to have been referring to the January 6, 2014 supplemental probation officer’s report, which recommended these orders.

appears, then, that to the extent the no contact order was intended to remain in effect after Minor was transferred to DJJ, it is improper. On remand, we shall direct the juvenile court to strike any conditions intended to survive Minor's transfer to DJJ.

### **III. DISPOSITION**

The juvenile court's April 21, 2014 order is reversed to the extent it sets the maximum term of confinement for Minor's offenses and his maximum time of physical confinement at DJJ, awards custody credits, and orders conditions of probation. The matter is remanded to the juvenile court, and the court is directed to (1) redetermine the maximum term of confinement an adult could suffer for the same offenses, the maximum period of Minor's physical commitment at DJJ, and his custody credits, (2) complete Judicial Council form JV-732, as revised January 24, 2012, acknowledging that the court has considered the facts and circumstances of the offenses in determining the maximum period of Minor's physical confinement (Cal. Rules of Court, rule 5.805(1)), and (3) strike all conditions intended to survive Minor's transfer to DJJ. In all other respects, the April 21, 2014 order committing Minor to DJJ is affirmed.

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Rivera, J.

We concur:

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Ruvolo, P.J.

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Streeter, J.