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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re JUSTIN W., a Person Coming Under  
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JUSTIN W.,

Defendant and Appellant.

A142232

(Contra Costa County  
Super. Ct. No. J13-00079)

Minor challenges the disposition order removing him from his mother’s home and detaining him in juvenile hall pending a court approved out-of-home placement. His counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Minor was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing and shall affirm the order.

**Factual and Procedural Background**

On December 24, 2013, following the minor’s earlier admission to one count of petty theft (Pen. Code, §§ 484, 488) and one count of exhibiting a weapon (Pen. Code, § 417(a)(1)), the then 14-year-old minor was made a ward of the court and placed on probation in the custody of his mother. Several probation restrictions were instituted, including that the minor submit to drug tests.

In February, March, and April 2014, minor was found to have violated his probation based on positive drug tests for marijuana.

On May 23, 2014, the minor again admitted to violating his probation following a positive drug test for marijuana in that month.

The disposition hearing on the probation violation was conducted on June 9, 2014. In advance of the hearing, the probation department submitted a report detailing minor's history with the juvenile court and recommending out-of-home placement for the minor. The report indicates that the minor " 'has been diagnosed with serious and ongoing psychiatric and psychological disorders which include homicidal, suicidal ideations and delusions and have resulted in numerous [Welfare and Institutions Code section] 5150 holds.' " It reported that minor's "behavior at school has left him near displacement." The report explains, "Given previous removals, the minor now attends school at the Catalyst Academy, a 'hands on' school where staff are licensed to physically restrain students, most of whom have severe behavioral issues. Due to the minor's disruptive and problematic behavior at the school, he has been placed at an offsite campus as part of his implemented safety plan." Minor's poor behavior at school, including an incident in which he jumped out of the school van and an incident in which he kicked and shattered the front glass doors of the school, led to a recent suspension. Mother failed to appear at the subsequent hearing to determine whether he would be allowed to remain at the school.

The probation report also expressed concerns regarding mother's ability to supervise the minor appropriately. The report states: "An anonymous source has informed probation that the mother appears to abuse marijuana. She was detained for an outstanding warrant in Marin County and released on [February 26, 2014]. The status of her case in Marin County is unclear. In a home visit on [March 7, 2014], probation observed the mother reprimanding the minor for not going to school and calling him a 'dick.' The minor then ran off and was found crying on the side of the house. The mother has also been uncooperative with past school placements and has physically removed the minor from residential programs."

At the disposition hearing, the District Attorney stated the probation report recommended that minor be placed outside the home. The District Attorney contended that minor's home environment did not provide enough supervision to contribute to his rehabilitation. The District Attorney acknowledged that detention at juvenile hall would be necessary until an appropriate placement could be found because minor's prescription for psychotropic medication precluded his placement at the less restrictive Orin Allen Youth Rehabilitation Facility (commonly referred to as "the Ranch").

The defense objected to placement and detention in juvenile hall, emphasizing the minor's "significant psychological challenges," relative youth, and the fact that his probation violations were solely for marijuana. The defense also emphasized the inherent unfairness in denying the minor a less restrictive placement simply because he takes psychotropic medications.

The mother was present for the hearing and informed the court that her probation in Marin County for loitering would end in August 2014. She also expressed some concern about the minor's friends bringing him marijuana and asked that the minor be returned to her home without the ankle monitor.

The court agreed with the recommendation of the probation department and found that the minor's mother did not have the ability to adequately supervise him and that continuance in the home was "contrary to the minor's welfare." He noted that the minor's education situation was unstable and that both his medication and special education needs would not be met at the Ranch. The court stated that it considered the minor's age but that "the home isn't working, and the educational structure . . . isn't working." The court continued wardship with no termination date and ordered the minor removed from the home and placed in a court approved placement. Until placement, the minor was to be detained in juvenile hall.

A timely notice of appeal was filed on June 13, 2014.

### **Discussion**

Neither appointed counsel nor minor has identified any issue for our review. Upon our own independent review of the record, we agree that none exists. (*People v. Wende, supra*, 25 Cal.3d 436.)

The minor was represented by counsel throughout the proceedings. The juvenile court found out-of-home placement appropriate after he admitted violating his probation numerous times. The juvenile court concluded, in accordance with the probation officer's report, that the minor needed more intensive supervision to help him succeed, and substantial evidence supports this conclusion. We conclude that this disposition was within the juvenile court's discretion. (*In re Lorenza M.* (1989) 212 Cal.App.3d 49, 53 ["An appellate court will not lightly substitute its decision for that rendered by the juvenile court. We must indulge all reasonable inferences to support the decision of the juvenile court and will not disturb its findings when there is substantial evidence to support them."]; Welf. & Inst. Code, §§ 725.5, 727, 730.)

Having ensured that minor received adequate and effective appellate review, we affirm the juvenile court's disposition order.

### **Disposition**

The disposition order is affirmed.

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Pollak, J.

We concur:

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McGuinness, P. J.

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Siggins, J.