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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re D.L., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

D.L.,

Defendant and Appellant.

A142291

(San Mateo County  
Super. Ct. No. 83421)

Minor, D.L., appeals following adjudication of a juvenile wardship petition that continued him on probation under the jurisdiction of the juvenile court. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. Based upon our independent review, we determine there are no such issues and affirm.

PROCEDURAL BACKGROUND

A wardship petition charged D.L. with two counts of battery in violation of Penal Code section 242<sup>1</sup> and one count of resisting a peace officer engaged in the discharge of official duty in violation of section 148, subdivision (a)(1). After a brief detention in juvenile hall, he was released home in the custody of his mother on electronic monitoring

<sup>1</sup>Further statutory references are to the Penal Code unless otherwise noted.

pending a jurisdictional hearing. Following a contested hearing, the juvenile court found D.L. committed a single battery in violation of section 242 and resisted officers in the discharge of their duties in violation of section 148. One count of battery was dismissed by the prosecution.

The court continued D.L. on probation as a ward of the court, and fixed the maximum time of confinement at one year, six months. He was assessed a restitution fine of \$10, but his mother was not assessed the cost of electronic monitoring as she was the victim of the battery.

### FACTUAL BACKGROUND

One evening when D.L. was at home speaking on the phone with his girlfriend, he got into an argument with his mother that escalated into a physical confrontation. Although his Mother testified that D.L. never touched her during the argument, she told responding police officers that he shoved her causing her to lose her balance. He went into the kitchen and continued to argue with his mother while holding a knife. D.L. and his mother each called the police.

Responding officers first saw D.L.'s mother in the hallway outside the family apartment. She went back into the apartment, and D.L. came out into the hallway with his younger brother. Officers instructed D.L. to let his brother go, show his hands and stop moving. When he did not immediately comply, they separated D.L. from his brother and pushed him against the wall just outside the apartment. When they tried to put D.L. in handcuffs, he tensed up and made his arms rigid. It took four officers to apply the handcuffs before he was taken into custody.

### DISCUSSION

“The same standard governs review of the sufficiency of evidence in adult criminal cases and juvenile cases: we review the whole record in the light most favorable to the judgment to decide whether substantial evidence supports the conviction, so that a reasonable fact finder could find guilt beyond a reasonable doubt. [Citations.]” ( *In re Matthew A.* (2008) 165 Cal.App.4th 537, 540). We resolve neither issues of witness credibility nor conflicts in the evidence on a claim of insufficiency of the evidence.

(*People v. Young* (2005) 34 Cal.4th 1149, 1181.) “Resolution of conflicts and inconsistencies in the testimony is the exclusive province of the trier of fact. [Citation.]” (*Ibid.*) Nothing short of physical impossibility or inherent improbability diminishes the weight of a single witness’s testimony, and the “testimony of a single witness is sufficient to support a conviction.” (*Ibid.*; see Evid. Code, § 411 [“Except where additional evidence is required by statute, the direct evidence of one witness who is entitled to full credit is sufficient for proof of any fact.”].)

Here, there was sufficient evidence to support the juvenile court’s findings. Even though D.L. and his mother both testified that a battery did not occur, mother gave a different version of the events in her statement to the police. The court specifically determined that the testimony at odds with mother’s statement to police was not credible. It was reasonable for the juvenile court to conclude D.L. committed a battery on his mother. The evidence was also sufficient to support the adjudication that D.L. resisted the officers. Although a failure to respond to officers with alacrity is no violation of section 148, the evidence shows more than a failure to respond. (*People v. Quiroga* (1993) 16 Cal.App.4th 961.) The officers testified that D.L. went rigid and resisted the application of handcuffs. The juvenile court could reasonably credit their testimony.

Counsel has filed a declaration stating that she discussed her intention to file a *Wende* brief with D.L. and informed him of his right to file a supplemental brief. He has not done so. There is no issue that requires further briefing.

#### DISPOSITION

The order is affirmed.

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Siggins, J.

We concur:

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McGuinness, P.J.

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Jenkins, J.