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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

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

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
R.M.,  
Defendant and Appellant.

A142754

(San Mateo County  
Super. Ct. No. JV81400)

R.M. (appellant), born in 1996, appeals from jurisdictional and dispositional orders adjudging him a ward of the court and imposing 90 days of therapeutic detention. Appellant’s 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. Appellant 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 judgment.

**FACTUAL AND PROCEDURAL BACKGROUND**

An amended juvenile wardship petition was filed April 15, 2014, charging then-17-year-old R.M. with: (1) reckless driving causing injury (Veh. Code, § 23105,

subd. (a),<sup>1</sup> count 1); (2) vehicle theft (§ 10851, subd. (a, count 2); and (3) driving without a license (§ 12500, subd. (a), count 3). The petition further alleged as to count 1 that appellant had inflicted great bodily injury to two other minors during the commission of the offense (Pen. Code, § 12022.7).

The petition was based on an incident that occurred on June 14, 2013.<sup>2</sup> That day, at approximately 1:22 p.m., a driver for a towing company (the reporting party) saw a car going 80 to 85 miles per hour. The car missed a turn in the road, skidded counter-clockwise, and collided with a curb. The car flew off the road, clipped a large pine tree, began to “barrel roll in the air,” and landed about 100 feet down the embankment. The reporting party called his company’s dispatch, which then called 911. The reporting party then walked down the embankment and saw three people who had been injured in the crash. The right front passenger had been ejected from the car and was unconscious. The right rear passenger had been partially ejected and appeared to be in a lot of pain. The third passenger, who was briefly unconscious, got up and staggered about. The driver, who was later identified as appellant, and the third passenger, were trying to wake the other two passengers up. The reporting party told appellant and the third passenger not to move their friends until medics arrived. Appellant asked the reporting party whether he saw an animal in the road; the reporting party responded there was no animal on the road, and that he saw the car traveling at a very high rate of speed. Police officers arrived at the scene and appellant gave the officers his name and birthdate, and admitted he was the driver.<sup>3</sup> Appellant said he was driving his friends home from summer school and estimated he had been driving only 25 miles per hour.

The probation department sent written correspondence to each of the victims. The first passenger’s mother reported that her son was in a wheelchair with little movement in his legs. He was progressing in therapy and had transferred to an independent study

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<sup>1</sup>All further statutory references are to the Vehicle Code unless otherwise stated.

<sup>2</sup>The facts related to the incident are taken from the probation officer’s report.

<sup>3</sup>It was later determined that the car belonged to appellant’s sister.

program because he was unable to return to school. The second passenger had not responded to the probation department's inquiries.<sup>4</sup> The third passenger submitted a medical victim restitution claim in the amount of \$42,758.05.

At a July 7, 2014 jurisdictional hearing, appellant admitted count 1 and one of the special allegations, and count 2. The juvenile court struck the other special allegation as well as count 3. Appellant waived his rights under *People v. Harvey* (1979) 25 Cal.3d 754, and the maximum term of confinement was determined to be six years, eight months.

At an August 7, 2014 dispositional hearing, the juvenile court found that appellant had driven at excessive speed and that his actions were "inexcusable." The court noted that the mitigating factors were that appellant had no prior convictions, his behavior after the accident was appropriate, he was genuinely remorseful, and the victims and their families were supportive. The aggravating factors were that appellant had driven without a license after being stopped two or three days earlier, that he had driven at excessive speed and had caused danger to a bystander, and that he had caused severe injuries. The court adjudged appellant to be a ward of the court and ordered him to, among other things, serve 90 days of therapeutic detention with 18 days off for good behavior, complete an alcohol or drug education program, submit a DNA sample, participate in counseling with his parents as directed by probation, abide by a curfew, notify probation of his residence at all times, and pay restitution to the San Francisco Department of Public Health and to one of the passengers in the amount of \$42,758.05, with jurisdiction to be retained as to the two other passengers. The court also suspended appellant's driving privilege for one year and ordered him not to operate a vehicle unless he was properly licensed.

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<sup>4</sup>Police met with the second passenger and observed that he was in a wheelchair with some sensation in his legs, but no movement. He had metal screws and rods in his spine.

### **DISCUSSION**

Appellant's counsel has filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436, and asks this court to independently review the entire record to determine if it contains any issues which would, if resolved favorably to the appellant, result in reversal or modification. A review of the record has disclosed no reasonably arguable appellate issue, and we are satisfied that counsel has fully complied with his responsibilities. (*Ibid.*; *People v. Kelly* (2006) 40 Cal.4th 106.) The juvenile court did not err in imposing therapeutic detention. Appellant was adequately represented by counsel at every stage of the proceedings. There was no sentencing error. There are no issues that require further briefing.

### **DISPOSITION**

The judgment is affirmed.

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McGuinness, P.J.

We concur:

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Pollak, J.

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Siggins, J.