

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

In re K.S., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
K.S.,  
Defendant and Appellant.

A142766

(Contra Costa County  
Super. Ct. No. J0000736)

Minor K.S., now 16 years old, appeals from a dispositional order placing him in a court-approved home or facility following a sustained probation violation. His attorney has asked this court to conduct an independent review of the record to determine whether there are any arguable issues for review. (*People v. Wende* (1979) 25 Cal.3d 436, 441–442.) K.S. was informed of his right to file a supplemental brief, which he has not done. Upon independent review of the record, we conclude no arguable issues are presented for review, and we affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

K.S.’s involvement with the juvenile delinquency system dates back to July 11, 2011, when then 12-year-old K.S. and another minor entered a drug store in Auburn, where an employee observed them take three cartons of cigarettes from a shelf and conceal them in a purse. They were detained until a police officer responded. The

officer cited them for petty theft and released K.S. to his grandmother, who was his legal guardian at the time.<sup>1</sup>

On November 17, 2011, the Placer County District Attorney filed a Welfare and Institutions Code section 602 petition charging K.S. with second degree commercial burglary (Pen. Code, § 459) and petty theft (*id.*, §§ 488/490.5). K.S. failed to appear at two jurisdictional hearings, and a bench warrant was issued.

On September 6, 2012, the Placer County District Attorney filed a supplemental section 602 petition, charging K.S. with vandalism (Pen. Code § 594, subd. (b)(2)(A)), later amending it to add a charge of possession of marijuana (Health & Saf. Code, § 11357, subd. (b)). The vandalism charge stemmed from an incident in August 2012, in which the resident of an apartment observed K.S., accompanied by another minor, break her apartment window with his fists. She reported the incident to the police, and while she was being interviewed by an officer, dispatch reported that a minor—later identified as K.S.—was seeking treatment at the local emergency room for cuts to his hands and forearms. He told emergency room staff he had injured himself skateboarding, but when later questioned by the police, he admitted he had broken the apartment window, claiming it accidentally happened when he and his friend were “horsing around.”

At a February 11, 2013 jurisdictional hearing, K.S. admitted the burglary charge in the original petition and the vandalism charge in the supplemental petition, both as misdemeanors. The remaining counts were dismissed, and the case was transferred to Contra Costa County for disposition.

In May 2013, the court entered a dispositional order placing K.S. on formal, nonwardship, six-month probation in the home of his mother, subject to standard terms and conditions. K.S. did not complete his probation without incident, however, as in October the probation department filed a notice of probation violation alleging that K.S.

---

<sup>1</sup> K.S. was a Welfare and Institutions Code section 300 dependent child, as his family had a lengthy history with the Contra Costa County Child and Family Services Department arising out of his mother’s neglect of him and his siblings and her frequent incarceration.

had tested positive for THC, twice been suspended from school, and received detention at school for disrupting class and chronic/severe noncompliance. K.S. was released on home supervision pending a contested probation violation hearing.

Shortly thereafter, K.S. was arrested for misdemeanor petty theft and providing false identification to a law enforcement officer when he was detained for shoplifting at an electronics store. At the time of his arrest, K.S. had attempted to conceal his ankle monitor by wrapping it in foil. He was detained at juvenile hall, and a home supervision violation was filed.

At a home supervision violation hearing on November 1, 2013, the court sustained the violation and denied K.S.'s motion to be released on electronic monitoring. At a contested probation violation hearing four days later, K.S. admitted he had violated his probation by smoking marijuana and getting suspended from school. He was adjudged a ward of the juvenile court, placed on electronic monitoring in the home of his mother, and ordered to complete counseling, among other conditions.

In December 2013, the probation department filed another notice of probation violation, alleging that K.S. had once again been suspended from school and tested positive for THC. K.S.'s electronic monitoring was terminated, and he was detained at juvenile hall. He later admitted the probation violations, and the court ordered K.S. to placement. He was placed at Unicorn Youth Services on February 4, 2014.

After a mere two days at Unicorn Youth Services, K.S. was terminated from the placement for failing to follow the program rules. The probation department filed a notice of probation violation, which K.S. again admitted. He was detained in juvenile hall.

For the following three months, K.S. remained in juvenile hall while the probation department attempted to locate a suitable placement. Before he could be transferred to a placement, however, the probation department filed a notice of probation violation, alleging that K.S. had tested positive for TCH following his temporary release from juvenile hall to attend his brother's funeral. K.S. admitted the violation, and the court

modified the dispositional order to a six-month program at Orin Allen Youth Rehabilitation Facility (OAYRF).

On May 15, 2014—just 10 days after the court ordered K.S.’s placement at OAYRF—the probation department filed yet another notice of probation violation, this time alleging that K.S. flooded the toilet and wrote on the wall in his room at juvenile hall. K.S. admitted the violation, and the court added 30 days to his program at OAYRF. K.S. was transferred to OAYRF on May 19, 2014.

Another notice of probation violation followed on July 21, 2014, this one alleging that K.S. assaulted another OAYRF ward. According to the probation department, the assault occurred when the ward purposefully bumped into K.S., who responded by punching the ward in the back of his head. K.S. reported that the other ward had spit on him, which “crossed the line . . . .” K.S. was removed to juvenile hall.

K.S. again admitted the violation. The probation department recommended that he be returned to OAYRF with an additional 14 days added to his program.

At an August 5, 2014 dispositional hearing on the probation violation, the juvenile court rejected the probation department’s recommendation, instead ordering K.S. returned to placement. The court recommended that the probation department consider Courage to Change, Valley Teen Ranch, Rite of Passage, and Koinonia House as possible placements for K.S.

K.S. filed a timely appeal from the dispositional order. (Welf. & Inst. Code, § 800.)

## **DISCUSSION**

We have examined the record in its entirety and find no arguable claims of error. K.S. was represented by capable counsel in the probation violation proceedings. He admitted the violation, and the court’s finding that there was a factual basis for the admission was supported by substantial evidence. The court did not abuse its discretion in continuing K.S. as a ward of the court and ordering him placed in a court-approved home or institution.

## **DISPOSITION**

The dispositional order is affirmed.

---

Richman, J.

We concur:

---

Kline, P.J.

---

Stewart, J.