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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

M.B.,

Defendant and Appellant.

A144170

(Solano County
Super. Ct. No. J40213)

This is an appeal from the juvenile court of Solano County following a contested dispositional hearing and order of that court. This appeal is authorized by Welfare and Institutions Code section 800. The minor here is appealing the order he be placed in a program called New Foundations, dealing with substance issues, and when he has completed that program, then be placed in the Challenge Program at the Juvenile Hall. Appellant wanted only to be enrolled in New Foundation or the Challenge Program. We find no abuse of discretion by the court and affirm the judgment.

Counsel for appellant has determined the case should proceed pursuant to *People v. Wende* (1979) 25 Cal.3d 436. She has reviewed the case file and submitted a declaration on the matter. She has also written appellant and disclosed to him her conclusions. She advised appellant he may file a supplemental brief raising any issues he believes we should consider here. Thirty days have passed since appellant's counsel advised him of this course and no brief has been received from appellant.

STATEMENT OF THE CASE

Appellant was declared a ward of the court in October 2010 after admitting to charges dealing with theft from a person (Pen. Code, § 487, subd. (c)), assault (Pen. Code, § 245, subd. (a)(1)); and commercial burglary (Pen. Code, § 459). This was the beginning of his ongoing association with the juvenile justice system in Solano, Contra Costa, and Alameda counties.

While being supervised on probation and living with his grandmother guardian, appellant entered an admission to vandalism (Pen. Code, § 594, subd. (b)(2)(A)). His wardship was continued with additional support services on January 13, 2011.

Appellant admitted a probation violation when he cut off his ankle monitor, and was ordered to spend several additional days in detention. The probation department learned appellant was living with his father in Contra Costa County, contrary to the original placement with his grandmother in Solano County. Consequently, the case was transferred to Contra Costa for supervision. Appellant entered a new admission of misconduct when he acknowledged the unlawful taking of a motor vehicle (Veh. Code, § 10851) in Alameda County. He was ordered into placement.

Appellant left placement without permission and admitted a violation of wardship. His cases were transferred back to Solano County for disposition. Wardship was continued. Appellant was placed in New Foundations, a program focusing on drug issues, on December 27, 2012.

Appellant finished the New Foundations program. However, he was then found in violation of his curfew once he returned home. The court sustained a new petition after a contested hearing, wardship was continued, and appellant was referred to Fairfield Day Reporting Center.

Appellant admitted to a new violation of probation following his failure to participate in the Fairfield Day Reporting Center program. He was released to his guardian and the case was transferred to Alameda County.

Appellant then engaged in several incidents involving the theft of cars while in Contra Costa County. He admitted to a felony allegation of the unlawful taking of a motor vehicle (Veh. Code, § 10851), with the remaining charges dismissed. Appellant's case was transferred to Alameda County for supervision. Because of this increased pattern of misconduct, appellant was placed in Camp Sweeney on April 22, 2014.

Appellant escaped from Camp Sweeney on August 8, 2014, violating Welfare and Institutions Code section 871, subdivision (a). A bench warrant was issued. Appellant admitted to a misdemeanor violation of escape on November 17, 2014, and his case was transferred to Solano County. ~CT 623, 637, 696.)~

In December 2014, the court in Solano County, based on a motion pursuant to Penal Code section 1170.18 and Proposition 47 (Prop. 47, as approved by voters, Gen. Elec. (Nov. 4, 2014)), reduced appellant's prior grand theft and commercial burglary matters to misdemeanors. Based on a review of the entire file, the court continued wardship and ordered appellant to complete the New Foundations program and the Challenge Program. The Challenge Program was to commence once New Foundations was completed. The maximum confinement was set at four years 10 months, with 583 days of credits.

Appellant petitioned for modification of this disposition on January 6, 2015. He wanted to only be placed in the Challenge Program. The district attorney objected to any modification. On January 27, 2015, the court denied the modification request.

DISCUSSION

We have reviewed the transcript of proceedings in December 2014 and January 2015, when the disposition hearing challenged here took place. We believe appellant was well represented by counsel during the hearings. The trial court demonstrated a thorough assessment of the history of the appellant's conduct and the programs in which he had been placed before the hearing in December.

The trial court believed the Challenge Program was preferred over New Foundations because of appellant's increased criminal behavior. Appellant, due to his recent incidents of misbehavior, needed a longer structured program, such as the one offered at Challenge. He had escaped from two prior placements and was traveling within several East Bay counties. He had been placed in New Foundations on a prior instance and completed that program, yet still continued to be facing new juvenile petitions. However, appellant indicated through counsel he would like particular features of the New Foundations curriculum. This had the concurrence of the probation department. The court agreed to place appellant in New Foundations with the understanding his stay there would be expedited so he could then engage in the Challenge Program and eventually return to his guardian.

In January, appellant and his counsel sought modification. By this time, appellant was participating in New Foundations. It was expected he would complete that designated program and then be placed in the Challenge Program. The court indicated appellant had engaged in the toughest part of New Foundations. Also, the court believed while appellant had drug issues, the program at Challenge satisfied best the court's interest in dealing with the behavioral issues demonstrated by his conduct. The drug program was not enough. This particular process was what the trial court concluded was in appellant's best interests and it was not prepared to modify the judgment.

This was not an abuse of discretion. The hearings conducted by the trial court in December 2014 and January 2015 reflect the important concerns of the court. Increased delinquency, including two escapes from prior placements, support the need articulated by the trial court that appellant receive some drug treatment, but, more importantly, the custodial structure offered by the Challenge Program.

We affirm the judgment.

DONDERO, J.

We concur:

MARGULIES, Acting P.J.

BANKE, J.