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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

A.B.,

Defendant and Appellant.

A145627

(Solano County
Super. Ct. No. J39447)

Following a contested disposition hearing, the juvenile court placed appellant at Challenge Academy. A timely appeal was filed from the disposition order. Appellant's counsel has raised no issues and asks this court for an independent review of the record to determine whether there are any issues that would, if resolved favorably to appellant, result in reversal or modification of the judgment. (*People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436; see *Smith v. Robbins* (2000) 528 U.S. 259.) Counsel declares he notified appellant of his right to file a supplemental brief. We have received no such brief. After independently reviewing the record, we conclude no arguable issues are presented for review and affirm the judgment.

BACKGROUND

Vacaville police officers were dispatched to investigate a report of a theft in progress at the Walnut Glen Condos. According to the reporting party, he could see a male, later identified as appellant, going through cars and taking property. When

appellant was detained, he had a backpack full of stolen property. In a subsequent statement to police, appellant admitted taking the property out of the vehicles. He also admitted smoking marijuana earlier that day and consuming an alcoholic beverage about an hour before police contact.

A Welfare and Institutions Code section 602 wardship petition filed on November 7, 2014, charged appellant with three misdemeanors: receiving stolen property of a value not exceeding \$950 in violation of Penal Code¹ section 496, subdivision (a); second degree burglary of a vehicle in violation of section 459; and petty theft, in violation of section 484, subdivision (a).

Appellant admitted committing misdemeanor second degree burglary of a vehicle.

A contested disposition hearing was held on April 27, 2015, at which the court heard testimony from one of appellant's prior probation officers and from the probation officer, Danielle Calloway, who wrote the current dispositional recommendation. She recommended placement in Challenge Academy. According to Calloway, appellant had a past criminal history² and exhibited "maladaptive behavior with the same crime patterns." He had a history of prior interventions including group home placement, three commitments to New Foundations, and a commitment to Family Preservation involving intensive supervision. During his three commitments to New Foundations, he was successfully terminated the first time, absconded the second time, and was successfully terminated the third time. Appellant indicated to his probation officer that the New Foundations substance abuse counseling did not benefit him. Calloway further testified the recommendation for Challenge Academy was appropriate because appellant would be able to finish eight credits so he could graduate from high school, and it would give the

¹ All further statutory references are to the Penal Code unless otherwise indicated.

² Appellant was first adjudged a ward of the court at the age of 12, following his admission to two counts of misdemeanor vehicle burglary. In 2010, he admitted to unlawful taking of a motor vehicle. (Veh. Code, § 10851, subd. (a).) And in 2012, the court sustained an allegation of second degree commercial burglary. (§ 459.)

probation department one last chance to intervene to give him some vocational skills or substance abuse counseling.

At the conclusion of the hearing, the court expressed concern appellant was falling back into a pattern of stealing following his completion of the prior programs. Noting appellant was close to turning 18 years old, the court determined Challenge Academy was the “best option.” The court adjudged appellant a ward of the court and ordered him committed to this program.

DISCUSSION

During the contested disposition hearing, appellant was ably represented by counsel who argued vociferously against placement in Challenge Academy.

The juvenile court, moreover, did not abuse its discretion in ordering placement of appellant in Challenge Academy. As evident from the record of the contested disposition hearing, the court was well aware of appellant’s prior numerous placements in other programs, noting, “I keep putting you in programs, and then you do okay for a while and then you slip up. You steal something.” In addition, the court noted appellant did not have a high school degree, was not trained to do anything, and was several months short of 18. Considering appellant’s prior criminal history, previous placements, and continuing criminal conduct, the court was well within its discretion to order placement in Challenge Academy. As for the additional terms and conditions of probation imposed by the court, all pass muster under *People v. Lent* (1975) 15 Cal.3d 481, 486, and were within the court’s discretion. (See *People v. Olguin* (2008) 45 Cal.4th 375, 379–381.)

DISPOSITION

Having fully reviewed the record, we find no arguable issues and affirm the order placing appellant in Challenge Academy and the additional terms and conditions of probation.

Margulies, Acting P.J.

We concur:

Dondero, J.

Banke, J.