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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re C.P., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

C.P.,

Defendant and Appellant.

A146804

(Contra Costa County
Super. Ct. No. J1300878)

Defendant Christian P. appeals from a dispositional order following a contested probation violation hearing. The juvenile court found defendant violated his probation by using Barbiturates and Phenobarbital. The court maintained its prior probation conditions and ordered defendant to additionally attend Narcotics Anonymous meetings at least twice a week. Defendant did so, and the court found he successfully completed probation and ordered his records sealed.¹ Defendant’s appellate 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 defendant, result in reversal or modification of the judgment. (*People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436.) Defendant was notified of his right to file a supplemental brief, but has not done

¹ We grant defendant’s request for judicial notice filed May 2, 2016.

so. Upon independent review of the record, we conclude no arguable issues are presented for review, and affirm the dispositional order.

In relevant part, the record shows that following a drug test of defendant's urine showing the presence of Barbiturates and Phenobarbital, the Probation Department filed a notice of probation violation. The court scheduled a hearing that commenced October 13, 2015.

Defendant did not dispute the results of the drug test, but disputed that he intentionally ingested the drugs. Defendant lived in an apartment provided by the First Place for Youth Program and claimed his assigned roommate used and hid drugs in the apartment. Defendant duly complied with his drug testing requirement and said he believed his drug test would be clean (as they had been previously and were subsequently). He claimed to have been surprised when his probation officer called and told him it was positive for Barbiturates and Phenobarbital, and concluded his roommate must have placed the drugs in a bottle of soda that had been in the refrigerator and that he consumed. He felt ill at the time and complained to his girlfriend, but did not seek medical attention.

His girlfriend also testified and confirmed he had said he felt ill. She further testified she had never known him to use drugs while on probation.

The prosecution argued the positive test told the tale. Defense counsel urged that given defendant's good performance on probation, the court should find he had not knowingly consumed the drugs.

The court found defendant's assertion the drugs had been put into the soda he consumed entirely speculative and found the alleged probation violation true. Defendant then acceded to the recommended addition of Narcotics Anonymous to the terms and conditions of his probation.

We see no arguable issues. Defendant was ably represented by counsel. He had a full and fair opportunity to present evidence. In short, the trial court made an assessment of the evidence and found defendant had not persuasively established that he had unknowingly ingested the drugs.

DISPOSITION

After a review of the relevant record, we find no arguable issues and affirm the disposition order.

Banke, J.

We concur:

Humes, P. J.

Dondero, J.