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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re N.D., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

N.D.,

Defendant and Appellant.

A147883

(Solano County  
Super. Ct. No. J043158)

This is an appeal from the juvenile court’s jurisdictional and dispositional findings and orders sustaining the allegations of a Welfare and Institutions Code section 602 petition. Pursuant to these findings and orders, the juvenile court sustained the allegation that minor N.D. (minor) committed second-degree robbery and, after minor then pled no contest to an unrelated misdemeanor Vehicle Code violation in Contra Costa Juvenile Court,<sup>1</sup> the court continued him as a ward of the court and placed him under the care of the probation department for future placement with a relative or in a foster home. The court also ordered minor to, among other things, pay a \$100 restitution fine, write an apology letter to the victim, and complete 100 hours of volunteer work.

<sup>1</sup> Minor’s Contra Costa County case was ultimately transferred back to Solano County for disposition.

After minor filed a timely notice of appeal, appellate counsel was appointed to represent him. Appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*People v. Wende*), in which she raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106, 124 (*People v. Kelly*)). Counsel attests that minor was advised of his right to file a supplemental brief in a timely manner, but he has not exercised such right.

We have examined the entire record in accordance with *People v. Wende*. For reasons set forth below, we agree with counsel that no arguable issue exists on appeal. Accordingly, we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I. The Solano County Juvenile Proceedings (No. J043158).**

On January 11, 2016, a supplemental juvenile wardship petition was filed in Solano County pursuant to Welfare and Institutions Code section 602 (section 602 petition), alleging that, on January 9, 2016, minor, age 14, committed the felony offense of second degree robbery (Pen. Code, § 211) against A.M. (victim), who was also a minor.<sup>2</sup>

Evidence presented at the subsequent jurisdictional hearing reflects that, at about 12:00 p.m. on January 9, 2016, the victim was walking home with her phone in her hand when she noticed two individuals walking towards her. She recognized one of these individuals (to wit, minor) as a boy with whom she had attended middle school and shared a Facebook “friendship.” Upon crossing the victim’s path, minor pushed her into a car, causing her to drop her phone. Minor then grabbed the phone from the ground and ran away. The victim, in turn, ran to nearby Bud’s Liquor store, and called her mother. Shortly thereafter, victim’s father picked her up from Bud’s Liquor and they returned home, where the victim spoke to Deputy Eduard Wisgerhof about the incident.

After first speaking with the victim, Deputy Wisgerhof drove her in his patrol car toward the crime scene. During this drive, the victim saw and identified minor as the

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<sup>2</sup> Wardship had previously been declared over minor on January 4, 2016.

person who had taken her phone. The deputy later testified in court that, on the day in question, the victim told him that minor had grabbed her by the upper legs and lifted her off the ground, causing her to fall back onto the sidewalk and hit her head. Deputy Wisgerhof, however, found no visible injuries on the victim. Deputy Wisgerhof also described the victim as weighing approximately 180 pounds, and minor as weighing 150 pounds and standing five feet and four inches tall.

Deputy Greenhagen also testified at the hearing, explaining to the court that the police thoroughly searched minor's bedroom without finding the victim's phone.

Minor's mother, in turn, testified that, on the day in question, she had gone shopping with minor at the Fair Trade Market. While there, minor asked whether he could go to nearby Bud's Liquor, and she agreed. When she then retrieved minor from outside the liquor store about five to eight minutes later, minor was not sweating or out of breath. Minor and his mother then drove to their home around the corner where, shortly thereafter, the police arrived looking for him. Minor gave a statement to the police denying any involvement in the robbery, which evidence was later suppressed by the juvenile court on minor's motion.

Following a contested jurisdictional hearing on January 29, 2016, the juvenile court sustained the allegation that minor had committed second degree robbery.

## **II. The Contra Costa County Juvenile Proceedings (No. J1600067).**

On January 21, 2016, a separate section 602 petition was filed in Contra Costa County, alleging that, on December 8, 2015, minor committed the felony offenses of unlawfully taking and driving a vehicle (Veh. Code, § 10851, subd. (a)) (count one), and resisting arrest (Pen. Code, § 148, subd. (a)(1)) (count two). According to the probation report, on the day in question, police officers observed minor driving a stolen vehicle. When they approached, minor stopped the car and fled on foot. After he was chased and eventually detained, minor acknowledged to the officers at the scene that he had stolen the car.

Following entry of minor's no-contest plea to a misdemeanor violation of Vehicle Code section 10851, subdivision (a), his case was transferred back to Solano County for disposition.

### **III. Disposition.**

At the dispositional hearing on March 25, 2016, the juvenile court continued minor as a ward of the court and placed him on probation under the care of his probation officer pending placement with a relative or in a foster home. In addition, the juvenile court ordered minor to pay restitution to the victim in an amount to be determined by his probation officer, to pay a \$100 restitution fine, to write an apology letter to the victim, and to complete 100 hours of volunteer work. This timely appeal followed.

### **DISCUSSION**

Neither appointed counsel nor minor has identified any issue for our review. Upon our own independent review of the record, we agree none exists. (*People v. Wende, supra*, 25 Cal.3d 436.) The juvenile court found that minor committed second degree robbery based on evidence offered by the prosecution that included the victim's testimony that, just before he knocked her down and grabbed her phone, she recognized minor as someone she had attended middle school with and was friends with on Facebook. In addition, the victim testified that, while she was in the patrol car with Deputy Wisgerhof, she saw and identified minor as the culprit. Finally, testimony from minor's own mother placed him at the scene of the crime at the relevant time, to wit, near Bud's Liquor around noon on the day in question. This evidence was more than sufficient to support the court's jurisdictional finding and subsequent orders. (*In re Robert H.* (2002) 96 Cal.App.4th 1317, 1330 [“ ‘We must indulge all reasonable inferences to support the decision of the juvenile court and will not disturb its findings when there is substantial evidence to support them’ ”].)

Further, the juvenile court's ultimate disposition, including minor's placement on probation under the care of his probation officer pending placement with a relative or in a foster home, as well as the requirements that he pay restitution, write an apology letter to the victim, and complete 100 hours of volunteer work, were well-within the scope of the

court’s broad discretion. (See *In re I.M.* (2005) 125 Cal.App.4th 1195, 1208-1209 [“[California’s statutory scheme] confers broad power on the courts to impose conditions to foster rehabilitation and to protect public safety. [Citation.] This power includes ordering restitution, if such a condition is reasonably related to the crime of which the defendant was convicted or to future criminality”].)

Thus, having ensured minor has received adequate and effective appellate review, we affirm the juvenile court’s jurisdictional findings and dispositional order. (*People v. Kelly, supra*, 40 Cal.4th at pp. 112-113; *People v. Wende, supra*, 25 Cal.3d 436.)

**DISPOSITION**

The jurisdictional findings and order and dispositional order are affirmed.

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Jenkins, J.

We concur:

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McGuinness, P. J.

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Pollak, J.

*In re N.D.*, A147883