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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

In re OSCAR U., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

OSCAR U.,

Defendant and Appellant.

A148431

(Contra Costa County
Super. Ct. No. J13-01247)

Oscar U. was initially adjudged a ward of the juvenile following sustained petitions for misdemeanor violations of unlawfully taking a vehicle and evading a peace officer. He was first placed at the Orin Allen Youth Rehabilitation Facility (OAYRF) for six months and then again after a probation violation petition was sustained. A second sustained probation violation petition resulted in a 60-day commitment to county jail, a consecutive 60-day period of home confinement, and a requirement to participate in outpatient drug treatment. Oscar appeals this last dispositional order.

Assigned counsel submitted a *Wende*¹ brief, certifying an inability to identify any issues for appellate review. Counsel also submitted a declaration confirming Oscar was advised of his right to personally file a supplemental brief raising any points which he wishes to call to the court's attention. No supplemental brief has been submitted. As

¹ *People v. Wende* (1979) 25 Cal.3d 436.

required, we have independently reviewed the record. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110.) We find no arguable issues and therefore affirm.

I. BACKGROUND

On June 19, 2014, the juvenile court sustained petitions against Oscar for misdemeanor violations of unlawfully taking a vehicle (Veh. Code, § 10851, subd. (a)) and evading a peace officer (*id.*, § 2800.1). The court removed Oscar from his mother’s home and ordered him placed at OAYRF for a term of six months. On August 11, 2015, he was found to have violated his probation by failing to obey all laws, failing to obey his parents, and violating curfew. Oscar was again committed to OAYRF. He was released on February 7, 2016.

On April 13, 2016, a probation violation notice was filed alleging Oscar violated probation by returning home after curfew on three occasions, and a warrant was issued. Oscar was arrested on the warrant and appeared before the juvenile court, in custody, on April 26. A probation report submitted on that date also alleged Oscar failed to report for an appointment with his probation officer and tested positive for THC. Oscar, represented by counsel, admitted violating the terms of his probation, and he was ordered detained pending the disposition hearing.

The disposition hearing was held on May 10 and 12, 2016. Oscar was no longer eligible for OAYRF due to his age. At the time of the May hearings, he was being held in the Martinez Detention Facility (MDF). The probation department noted that Oscar had admitted curfew violations and smoking marijuana on a frequent basis, and at the time of his arrest, Oscar was sitting in a stolen car smoking marijuana with friends. The probation officer observed that Oscar had spent a considerable amount of time on juvenile probation supervision and had “numerous opportunities to rehabilitate at the least restrictive means by being placement [*sic*] on Home Supervision, being committed to the OAYRF and participating in necessary treatment programs.” It was recommended that Oscar be committed to county jail at the West County Detention Facility to allow his participation in a treatment program. However, Oscar could not be returned to West County, where he had earlier been confined, because of conflict with gang members.

MDF does not offer rehabilitative services. Defense counsel requested a release on home supervision to Oscar's stepfather's home.²

At the continued hearing on May 12, 2016, the stepfather's home had not yet been verified as a suitable placement. The court ordered Oscar's confinement at MDF for a period of 60 days, with a further 60-day period of home confinement following his release from MDF. Oscar was ordered to participate in an outpatient drug program while on home confinement. Defense counsel argued the disposition was punitive, rather than rehabilitative. Oscar appeals only from the dispositional order.

II. DISCUSSION

We find no arguable issue presented as to the dispositional order. While punishment under the juvenile law may not be used as a form of retribution, punishment is an appropriate consideration when it promotes the ultimate goal of rehabilitation. (*In re Julian R.* (2009) 47 Cal.4th 487, 496.) As the probation officer observed, Oscar failed to benefit from numerous opportunities to rehabilitate by less restrictive means.

"[T]he juvenile court has long enjoyed great discretion in the disposition of juvenile matters." (*In re Greg F.* (2012) 55 Cal.4th 393, 411.) "The standard of review of juvenile court commitment decisions is well established. 'The decision of the juvenile court . . . may be reversed on appeal only upon a showing that the court abused its discretion in its commitment of the minor.'" (*In re Jose R.* (1983) 148 Cal.App.3d 55, 59.) " "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." ' " (*In re Robert H.* (2002) 96 Cal.App.4th 1317, 1330.)

III. DISPOSITION

The disposition order is affirmed.

² Oscar's mother told the probation officer she believed Oscar would revert to his negative behavior if returned to her home.

BRUINIERS, J.

WE CONCUR:

JONES, P. J.

SIMONS, J.

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