

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re JOSHUA T., a Person Coming Under  
the Juvenile Court Law.

B236994  
(Los Angeles County  
Super. Ct. No. FJ48853)

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSHUA T.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Cynthia Loo, Juvenile Court Referee. Affirmed.

Susan L. Ferguson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Joshua T. appeals from the order of wardship (Welf. & Inst. Code, § 602) entered as a result of the juvenile court's finding he committed second degree robbery (Pen. Code, § 211). The court placed Joshua T. at home on probation. We affirm the juvenile court's order.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### *1. Facts.*

#### *a. The prosecution's case.*

At approximately 2:00 p.m. on March 27, 2011, Alma Cardona was walking down the street near the intersection of 41st Street and Central Street in Los Angeles. Approximately a block in front of her, she saw Joshua T. with some of his friends. Cardona crossed the street, to walk toward her home.

Seventeen-year-old Joshua T. approached Cardona and “roughly” attempted to pull from her neck her \$1,500 three-colored gold chain. The two struggled for approximately a minute and a half and “there was a lot of pulling and tugging.” Cardona then slipped, the chain came off of her neck and she dropped her bag. Joshua T. pushed Cardona on the shoulder, knocking her to the ground, took the chain, grabbed her bag and ran up the street. Cardona, who was afraid, started screaming.

Some men came out of their nearby house and, along with Cardona followed Joshua T. to his home. Cardona saw Joshua T. run inside the house. As he was running, Cardona never lost sight of Joshua T.

Cardona called the police and, when the officers arrived approximately 10 minutes later, they had Joshua T., a friend who had accompanied him, his mother and his brother come out of the house. Police officers then had Cardona view Joshua T., his friend and his brother. She identified Joshua T. as the young man who had taken her chains and bag.

Johnny Murrillo was in his house at approximately 2:00 p.m. on March 27, 2011. He heard someone yell for help and, when he looked out, he saw Cardona in the area of 41st Street and Central Street. “[Joshua T. was] grabbing something from her neck” and Murrillo went out to investigate. Joshua T. “did . . . eventually take something from

[Cardona's] neck," then started to run down the street. Murillo, Cardona and a third individual followed Joshua T. until he ran into his house.

When police officers arrived a short time later, they went into the house and brought Joshua T. outside. Although Joshua T. was wearing different clothes, when the officers asked Murillo if Joshua T. was the individual he had seen take the chains from Cardona, Murillo told them, "Yes."

b. *Defense evidence.*

W. H. is Joshua T.'s mother. On the afternoon of March 27, 2011, W.H. was standing in the front door to the house when she saw Joshua T., his brother and a friend get out of a car. Joshua T. walked into the house and went to his room.

Approximately five to ten minutes later, W.H. received a telephone call from her brother, who lives next door to her. W.H.'s brother told W.H. that there were police officers outside and that she, Joshua T. and anyone else in the house was to come out with their hands up. W.H., Joshua T., his friend and his brother cooperated and came out of the house. While W.H. sat on the porch, the police officers handcuffed Joshua T. and his brother, then searched them.

An officer asked W.H. if they could search the house. She at first told him that she did not want police officers in her house unless she was inside with them. However, when the officer indicated that they "needed to search the house without [her,]" W.H. gave them permission to go inside. Approximately three officers then entered the house while a fourth stood out on the porch.

After a few minutes, W.H. "started feeling antsy" and she "walked into [her] home." The police were in Joshua T.'s and his brother's room. They asked W.H. "whose bed was [whose]" and "whose drawers were [whose.]" They started picking up the boys' clothing and going through their pockets. After they searched the boys' room, the officers "just kind of looked around the house," then left.

After the police had arrested Joshua T. and his brother, W.H. and her daughter went to the police station. There, officers arrested W.H.'s daughter as well. Before

Joshua T. had taken Cardona's chains, there had apparently been a "confrontation" going on down the street in which W.H.'s daughter had been involved.

When he spoke to his mother about the event, Joshua T. did not tell her that "the chain[s] [had been] snatched from a Hispanic." He did tell his mother that, at the police station, he had written out a confession.

## *2. Procedural history.*

In a petition filed on May 26, 2011 pursuant to Welfare and Institutions Code section 602, Joshua T. was charged with the crime of second degree robbery in violation of Penal Code section 211.

Following an evidentiary hearing held on October 19, 2011, the juvenile court sustained the petition filed on May 26 and declared Joshua T. a ward of the court. The court placed Joshua T. at home on probation, with a number of conditions including that he "obey the law, "obey instructions and orders of [his] parents," "report to probation as directed," "let probation know if [he] move[s] or change[s] [his] telephone number," perform "60 hours of community service," "go to school," "[d]o not be out of [his] residence between 7 p.m. and 6 a.m. except with [his mother's] consent," and "do not associate with anyone known to be disapproved of by [his] mother or probation officer." In addition, Joshua T. was to have "no alcohol," "no drugs," submit to "drug testing" and make "restitution to the victim on all losses." The juvenile court also ordered Joshua T. "to stay away from the victim in this matter[,] Alma Cardona," and to attend "counseling [including ] a drug diversion component."

On October 31, 2011, Joshua T. filed a timely notice of appeal.

Counsel to represent Joshua T. on appeal was appointed on January 28, 2012.

## **CONTENTIONS**

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record.

By notice filed May 24, 2012, the clerk of this court advised Joshua T. to submit within 30 days any contentions, grounds of appeal or arguments he wished this court to consider. No response has been received to date.

## **REVIEW ON APPEAL**

We have examined the entire record and are satisfied counsel has complied fully with counsel's responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

## **DISPOSITION**

The order of wardship is affirmed.

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

ALDRICH, J.

We concur:

CROSKEY, Acting P. J.

KITCHING, J.