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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAY T.,

Defendant and Appellant.

B242030

(Los Angeles County  
Super. Ct. No. PJ48210)

APPEAL from an order of the Superior Court of the County of Los Angeles,  
Morton Rochman, Judge. Affirmed.

Bahar Law Office, Sarvenaz Bahar, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance by Plaintiff and Respondent.

## INTRODUCTION

Following an adjudication and disposition hearing, the juvenile court sustained a petition charging minor and appellant Jay T. (the minor) with battery causing great bodily injury. On appeal, his appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) requesting that this court independently review the entire record to determine if there are any issues, which if resolved in the minor's favor, would require reversal or modification of the judgment. Accordingly, we notified the minor that he could brief any grounds of appeal, contentions, or arguments he wanted us to consider. The minor did not file a response brief.

Based on our independent review of the entire file, we conclude that there are no arguable issues on appeal. We therefore affirm the adjudication and disposition orders from which the minor appeals.

## FACTUAL BACKGROUND

On May 8, 2011, Daniel Marelich was a counselor at a residential mental health facility called Project Six. His responsibility was to "watch over the residents" at the facility. That day, Marelich observed the minor take a hat from the victim who was a fellow resident at the facility. The victim repeatedly asked the minor to return the hat, but the minor refused. The victim then asked Marelich and another counselor to take the hat from the minor. Because facility policy prohibited the counselors from having physical contact with the residents, Marelich asked the minor to return the hat, but the minor refused.

Marelich attempted to separate the victim and the minor, asking the victim to sit down. Marelich hoped that "once things cooled . . . down the hat would get back to the [victim]." But the victim refused to sit down and instead persisted in his efforts to recover his hat. When the victim tried to grab the hat from the minor, the minor "got up" and confronted the victim. The victim turned and ran, and the minor pursued him. The

minor jumped on the victim's back, placed him in a headlock, and tackled him to the ground. The minor began to punch the victim until Marelich was able to separate the two minors.

Following the incident, the victim complained of severe shoulder pain. The victim suffered a broken collar bone that required surgery to insert a metal plate and resulted in a four to five inch scar on his shoulder.

### **PROCEDURAL BACKGROUND**

In a petition filed pursuant to Welfare and Institutions Code section 602, the Los Angeles County District alleged that the minor had committed battery with serious bodily injury in violation of Penal Code section 243, subdivision (d). Following an adjudication and disposition hearing, the juvenile court denied the minor's motion to reduce the charge to a misdemeanor under Penal Code section 17, subdivision (b), and sustained the petition. The juvenile court declared the minor a ward of the court, placed him home on probation, and imposed terms and conditions on his probation. The minor filed a timely notice of appeal.

### **DISCUSSION**

Pursuant to *People v. Wende, supra*, 25 Cal.3d 436, we examined the entire record to determine if there were any arguable issues on appeal. Based on that independent review, we have determined there are no arguable issues on appeal. We are therefore satisfied that minor's appointed counsel has fully satisfied her responsibilities under *Wende, supra*, 25 Cal.3d 436.

**DISPOSITION**

The adjudication and disposition orders are affirmed.

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MOSK, J.

We concur:

TURNER, P. J.

KRIEGLER, J.