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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re FRANCISCO A., a Person Coming
Under the Juvenile Court Law.

B245441
(Los Angeles County
Super. Ct. No. GJ29642)

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANCISCO A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County,
Robert Leventer, Juvenile Court Referee. Affirmed as modified.

James M. Crawford, under appointment by the Court of Appeal, for
Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Lance E. Winters, Senior Assistant Attorney General, Steven D.
Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

Francisco A. appeals from an order placing him on probation without wardship after the juvenile court sustained a petition alleging he had committed misdemeanor battery on a school employee. He contends the search and seizure condition should be stricken from the disposition minute order to conform to the court's oral pronouncement. We affirm the order as modified.

FACTUAL AND PROCEDURAL BACKGROUND

In February 2012, Francisco's mouth was bloodied by another student in a physical altercation at school. When a staff member intervened, Francisco struck him in the chest and spit blood on his neck.

A Welfare and Institutions Code section 602 petition was filed alleging Francisco, then 16 years old, had committed misdemeanor battery on a school employee in violation of Penal Code section 243.6. Following the contested jurisdiction hearing, the juvenile court found the allegation true, declared the offense a misdemeanor and sustained the petition. At the disposition hearing, the court found Francisco a person described by Welfare and Institutions Code section 602 and, without declaring Francisco a ward of the court, placed him on probation for six months pursuant to Welfare and Institutions Code section 725, subdivision (a).

Francisco filed a timely notice of appeal. (See *In re Do Kyung K.* (2001) 88 Cal.App.4th 583, 590 [juvenile may appeal order placing him on probation without wardship pursuant to Welf. & Inst. Code, § 725, subd. (a)].)

DISCUSSION

Francisco challenges the requirement that he "[s]ubmit person, residence or property under his/her control to search and seizure at any time of the day or night by any law enforcement officer, with or without a warrant. [Condition 25.]" The People acknowledge although this condition was contained in the disposition minute order, it was never orally imposed by the juvenile court.

When there is a discrepancy between the minute order and the oral pronouncement of judgment, the oral pronouncement controls. (*People v. Farell* (2002) 28 Cal.4th 381, 384, fn. 2.) The minute order must be modified to reflect only the conditions orally

imposed by the juvenile court. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185; see *People v. Mesa* (1975) 14 Cal.3d 466, 471 [discrepancy between the judgment as orally announced and as entered in the minutes is presumably clerical error].)

DISPOSITION

The October 30, 2012 disposition order is amended to strike the probation condition requiring Francisco to submit his person, residence or property under his control to search and seizure at any time of the day or night by any law enforcement officer. As modified, the order is affirmed.

WOODS, Acting P. J.

We concur:

ZELON, J.

SEGAL, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.