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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re I.C., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

I.C.,

Defendant and Appellant.

B253859

(Los Angeles County
Super. Ct. No. TJ20495)

APPEAL from orders of the Superior Court of Los Angeles County, Christina L. Hill, Judge, and Catherine J. Pratt, Commissioner. Reversed and remanded with directions.

Bruce G. Finebaum, under appointment by the Court of Appeal, for Defendant and Appellant.

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

Minor I.C. appeals from a juvenile court’s adjudication and dispositional orders entered upon a finding that he had committed felony vandalism. (Welf. & Inst. Code, § 602.)¹ He argues that substantial evidence does not support the finding that the vandalism constituted a felony, which requires damages amounting to \$400 or more. (Pen. Code, § 594, subd. (b)(1).) Respondent concedes error. We reverse the orders, remand the case, and instruct the court to reduce I.C.’s felony vandalism finding to a misdemeanor and recalculate his maximum confinement time accordingly.

FACTUAL AND PROCEDURAL SUMMARY

On July 12, 2013, the People filed a section 602 petition alleging I.C. had committed felony vandalism in May 2013. (Pen. Code, § 594.) Four other section 602 petitions had been filed against I.C. since March 2013.

At the adjudication hearing, the People presented two witnesses: a nearby resident, who observed I.C. and another individual spray painting a wall, and Officer Eric Horn, who responded to a vandalism call and arrested I.C. The People did not present evidence regarding damages. The juvenile court sustained the petition. On January 8, 2014, the juvenile court issued disposition orders pertaining to all five of I.C.’s sustained petitions and ordered a maximum period of confinement of five years and four months. This timely appeal followed.

DISCUSSION

“Findings of fact are reviewed under a ‘substantial evidence’ standard. [Citation.]” (*People v. Superior Court (Jones)* (1998) 18 Cal.4th 667, 681.) “Our review of the minor[’s] substantial evidence claim is governed by the same standard applicable to adult criminal cases. [Citation.]” (*In re V.V.* (2011) 51 Cal.4th 1020, 1026.) We view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found the elements to be true beyond a reasonable doubt. (*Ibid.*)

¹ Statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

A person who maliciously defaces, damages, or destroys any real or personal property not his or her own is guilty of vandalism. (Pen. Code, § 594.) If the defacement, damage, or destruction amounts to \$400 or more, the crime can be classified as either a felony or misdemeanor. (Pen. Code, § 594, subd. (b)(1).) If the defacement, damage, or destruction is less than \$400, it must be classified as a misdemeanor. (Pen. Code, § 594, subd. (b)(2).) Respondent concedes that, at I.C.'s adjudication hearing, the People presented no evidence as to the damages suffered as a result of the vandalism. No substantial evidence exists to support the juvenile court's factual finding of a felony vandalism offense.

DISPOSITION

The orders of adjudication and disposition are reversed. The cause is remanded to the trial court with instructions to reduce I.C.'s felony vandalism finding to a misdemeanor and recalculate his maximum confinement time accordingly.

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EPSTEIN, P. J.

We concur:

MANELLA, J.

COLLINS, J.