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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B260678

(Los Angeles County
Super. Ct. No. VJ44400)

THE PEOPLE,

Plaintiff and Respondent,

v.

C.O.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, Fumiko Hachiya Wasserman, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Defendant C.O., a minor, appeals from the order of the juvenile court denying her motion to suppress evidence pursuant to Welfare and Institutions Code section 700.1.¹ Defendant's counsel filed an opening brief that raised no issues and requested independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm.

FACTUAL AND PROCEDURAL HISTORY

Detention and Search

On May 23, 2014, Los Angeles Sheriff's Deputy Luis Hernandez received a call reporting an assault during a family disturbance at an apartment in Whittier. The caller identified the suspect as C.O. Officer Hernandez arrived at the location and encountered defendant leaving the apartment, carrying a purse and an eyeglass case. After defendant identified herself by name, Officer Hernandez detained her and conducted a search of her purse for weapons. At the hearing on defendant's motion to suppress, Officer Hernandez testified that he searched defendant's purse for weapons because of the reported assault. There were no weapons found in defendant's purse. Officer Hernandez next asked defendant if he could look inside her eyeglass case. Defendant stated that she had "something illegal inside" but did not tell Officer Hernandez what it was. He asked defendant to surrender the case and she did. Inside, the officer found a glass pipe of the type commonly used to ingest methamphetamine.

Officer Hernandez then asked defendant if she had anything else on her person. He conducted a search of her person and found a lip balm case inside the pocket of the sweatshirt defendant was wearing. Officer Hernandez shook the case, and could "hear the rocks inside." He opened the lip balm case and found methamphetamine inside.

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

On cross-examination during the hearing on the motion to suppress, Officer Hernandez stated that he had no specific information that a weapon was involved in the assault at the time he searched defendant, but that weapons were commonly involved in domestic violence cases. He also testified that the eyeglass case was large enough to contain a knife or pepper spray or some other type of weapon.

Defendant testified on her own behalf. Other than stating that her eyeglass case was inside her purse, she largely corroborated the sequence of events detailed by Officer Hernandez.

Procedural Background

On August 20, 2014, the Los Angeles County District Attorney's office filed a petition pursuant to section 602 charging defendant with possession of a controlled substance, methamphetamine, in violation of Health and Safety Code section 11377, subdivision (a) (count 1) and possession of a smoking device in violation Health and Safety Code section 11364.1, subdivision (a)(1) (count 2).

Pursuant to Proposition 47, the charge in count 1 was reduced to a misdemeanor. Defense counsel filed a motion to suppress the narcotics pipe and lip balm case containing methamphetamine, arguing that these items were seized as a result of the illegal search of defendant's purse. Following a hearing and argument, the court denied the motion to suppress, finding Officer Hernandez's testimony to be credible.

On November 24, 2014, following advisement and waiver of defendant's rights, defendant admitted both allegations in the petition. The court placed defendant on probation pursuant to section 725 and released her to her mother's custody. Defendant timely appealed.

DISCUSSION

As noted above, Defendant's court-appointed counsel filed a brief that raised no issues and asked this court to independently review the record. (*Wende, supra*, 25 Cal.3d at p. 436.) On March 27, 2015, we sent defendant a letter informing her of the nature of the brief that had been filed and advising her that she had 30 days to file a supplemental

brief setting forth issues she wished this court to consider. We have received no response from defendant.

We have independently reviewed the entire record, including the transcript of the hearing on defendant's motion to suppress. We are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at 441.)

DISPOSITION

The judgment is affirmed.

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COLLINS, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.