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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re TOMMY L., a Person Coming Under
the Juvenile Court Law.

B267725
(Los Angeles County
Super. Ct. No. YJ37875)

THE PEOPLE,

Plaintiff and Respondent,

v.

TOMMY L.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, Wayne C. Denton, Commissioner. Affirmed.

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

No appearance for Plaintiff and Respondent.

On April 28, 2014, the Los Angeles Superior Court sustained a petition filed against appellant, Tommy L., alleging petty theft. (Pen. Code, § 484, subd. (a).) The court placed appellant on home probation as of February 13, 2015.

On January 1, 2015, Officer Ian Mackenzie of the Los Angeles Police Department was on duty in the area of 5th and Brooks Avenues in the City of Los Angeles when he noticed a fresh “SM” graffitied on a church. He then responded to a report of two Hispanic suspects painting a nearby school, and approached the suspects. As he approached, one suspect discarded what appeared to be a spray paint can and started walking. Mackenzie identified appellant in court as one of the suspects but was unable to identify if he was the one that discarded the spray can. Mackenzie’s partner, Officer Gutierrez, then arrived and searched appellant, recovering spray paint cans from his backpack. Appellant confessed he had recently become a member of the “Santa Monica 13” street gang, and he had been ordered by gang members to graffiti buildings in Los Angeles.

On April 3, 2015, Officer Adam Prado of the Santa Monica Police Department was on duty in the area of Cloverfield Boulevard when he encountered appellant near a store bearing fresh, wet graffiti depicting “SMG.” Appellant was not actively engaging in the graffiti activity but had black paint on his hands.

The Los Angeles County District Attorney filed two petitions against appellant, each alleging one count of misdemeanor vandalism and the first also alleging the first offense had been committed to benefit a criminal street gang. In July 2015, the Los Angeles County Probation Department recommended that he be placed in a camp setting. At the urging of appellant and his attorney, however, the trial court left the existing home probation order (from the petty theft adjudication) in place and continued the hearing on the vandalism petitions.

Meanwhile, on May 17, 2015, Christopher Cosgrove was at a McDonald’s restaurant on the 2900 block of Pico Boulevard in the city of Santa Monica when he got into an argument with a group of people. Following the argument Cosgrove left, but he was

chased by the group and threatened with a knife and struck by a blunt object. Cosgrove identified appellant as the suspect who had wielded the knife.

On September 10, 2015, the district attorney filed a petition against appellant alleging one misdemeanor count of taking a vehicle without consent. (Veh. Code, § 10851, subd. (a).) Appellant initially denied the allegation but later admitted to it. On September 14, the district attorney filed a fourth petition, alleging one felony count of assault of Cosgrove with a deadly weapon. (Pen. Code, § 245, subd. (a)(1).)

On October 13, 2015, the trial court sustained the four hitherto unadjudicated petitions and determined appellant fell under the court's jurisdiction pursuant to section 602 of the Welfare and Institutions Code. Appellant again requested that home probation remain in effect but the trial court committed appellant to a mid-term (over the People's objection) community camp program for a maximum of five years and gave him 45 days of predisposition custody credit. In doing so, the court commented, "Probation and the District Attorney were asking me to send him to camp about 3 or 4 months ago. [¶] The attorney and the minor asked if he could have another chance, and they talked me into it. I let him have another chance, and it didn't work out. [¶] So he is not going home today."

Appellant filed a timely appeal.

We appointed counsel to represent appellant on appeal and, after examination of the record, appointed counsel filed an opening brief raising no issues and asking this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442.) On March 8, 2016, we sent letters to appellant and appointed counsel, directing counsel to forward the appellate record to appellant and advising appellant that within 30 days he could personally submit any contentions or issues that he wished us to consider. Appellant did not respond.

We have examined the entire record and find no arguable issue exists. We are therefore satisfied that appellant's attorney complied with his responsibilities, and affirm the judgment. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.
NOT TO BE PUBLISHED.

CHANEY, Acting P. J.

We concur:

JOHNSON, J.

LUI, J.