

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re ROBERT D., a Person Coming Under  
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT D.

Defendant and Appellant.

D063909

(Super. Ct. No. JCM232986)

APPEAL from a judgment of the Superior Court of San Diego County, Browder  
A. Willis, Judge. Affirmed.

Sarah Kleven McGann, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance by Respondent.

Robert D., age 14, admitted, and the juvenile court found true, allegations of first  
degree burglary (Pen. Code, §§ 459/460), and that a person, not an accomplice, was  
present during the burglary (Pen. Code, § 667.5, subd. (c)(21)). The court dismissed the

remaining allegations, i.e., use of a dangerous weapon during the burglary, and a misdemeanor violation of Penal Code section 602.5. The court adjudged Robert a ward of the court pursuant to Welfare and Institutions Code section 602, placed him on probation with numerous terms and conditions, and detained him with his grandmother. The true finding on the first degree burglary charge rendered appellant ineligible for deferred entry of judgment. (Welf. & Inst. Code, §§ 790, 707, subd. (b)(16); Cal. Rules of Court, rule 5.800.)

### FACTS<sup>1</sup>

On February 28, 2013, appellant, who was carrying a kitchen knife, entered a residence and rummaged through drawers in the bedroom and took a pair of women's panties. While there, he used the victim's computer to access a pornographic Web site. The owner returned and found appellant attempting to hide in an upstairs closet; appellant's knife was found on the desk in that room.

### DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to four possible, but not arguable, issues: (1) whether the prosecutor denied appellant due process by failing to file a written declaration whether he was eligible for deferred entry of judgment; (2)

---

<sup>1</sup> The facts are taken from the probation officer's social study report prepared for the disposition hearing.

whether the court prejudicially erred in not holding a hearing to determine appellant's suitability for deferred entry of judgment; (3) whether a minor may admit less than all allegations of a juvenile petition and still be eligible for deferred entry of judgment; and (4) whether appellant's trial counsel provided ineffective assistance when she waived consideration of deferred entry of judgment. We granted appellant permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues referred to by appellate counsel, has disclosed no reasonably arguable appellate issues. Competent counsel has represented appellant on this appeal.

#### DISPOSITION

The judgment is affirmed.

HALLER, J.

WE CONCUR:

McCONNELL, P. J.

McINTYRE, J.