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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

D.T.,

Defendant and Appellant.

E054331

(Super.Ct.No. J239744)

OPINION

APPEAL from the Superior Court of San Bernardino County. Thomas S. Garza and William Jefferson Powell IV, Judges. Affirmed.

Melanie K. Dorian, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant D.T. (minor) appeals from a judgment declaring her a ward of the court pursuant to Welfare and Institutions Code section 602. The juvenile

court found true the allegation that minor committed misdemeanor loitering with the intent to commit prostitution. (Pen. Code, § 653.22, subd. (a).) As discussed below, we affirm the juvenile court's judgment.

FACTS AND PROCEDURE

On the afternoon of July 6, 2011, minor was arrested after officers assigned to the Vice and Narcotics Unit of the San Bernardino Police Department observed her and her adult cousin casually walking on Baseline Street, waving their arms and attempting to make contact with passing cars. Minor was wearing a tight, black miniskirt dress in an area known as a "high prostitution" area.

On July 7, 2011, the People filed a petition under Welfare and Institutions Code section 602, alleging a single misdemeanor count of loitering to commit prostitution.

On July 28, 2011, the juvenile court held the contested jurisdiction hearing. Police Officer Jennifer Kohrell testified that around 3:30 p.m. on July 6, 2011, she observed minor, whom she knew from having arrested her in June 2010 for prostitution, walking with another female on Baseline Street "trying to make eye contact with passing vehicles, waving their arms and speaking to each other." Minor was wearing a "black tight short miniskirt dress." Officer Kohrell knew that minor was a minor and, so, for her safety, radioed to other officers to make sure minor was not lost from observation. Later that evening, after minor had been taken into custody by other officers, Officer Kohrell spoke with minor after reading her rights under *Miranda*.¹ Minor agreed to talk to Officer

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

Kohrell, but initially denied having loitered with the intent to commit prostitution. Minor later admitted to such, stating that she had just gotten off probation from the previous arrest in June 2010. Minor stated she had been arrested that day prior to having performed a sexual act. The two discussed the prostitution business and how it worked. Minor told Officer Kohrell how much she charged for various acts and that the price varied according to area and the customer.

The juvenile court then heard testimony from Police Officer Joshua Cogswell. On July 6, 2011, he was working as part of an undercover prostitution operation as a “pretend John” and a “spotter.” At that time, Officer Kohrell notified him by radio to focus his attention on two females walking on Baseline Street near “D” Street. Officer Cogswell testified that the two females “did not seem to be walking with a purpose, were making eye contact to passer-bys [*sic*] in vehicles that I know, through my training and experience, to be evidence of solicitation for prostitution.” Officer Cogswell drove past the females and made eye contact with both. He also observed them speaking with a person in a vehicle that had stopped at an intersection. The females then followed the car one block over to speak with the occupant in the parking lot of a check cashing business. They spoke for a few minutes before the vehicle drove away. At that point, Officer Cogswell and/or Officer Kohrell called for a police unit to stop and arrest the two females. Officer Cogswell was present later that day when minor told Officer Kohrell that she had been on Baseline Street to solicit customers for prostitution.

The juvenile court then heard testimony from minor. She testified that she and her cousin had been walking on Baseline Street on July 6, 2011, so she could get her

eyebrows done and to go hang out with some boys. Minor denied that she waved at any cars, but stated that she had waved at a family member waiting at a bus stop. Minor stated that only her cousin spoke to the person in the car at the intersection and the parking lot, and that they did not discuss money or sexual acts. Minor denied telling Officer Kohrell that she was walking Baseline Street that day to solicit prostitution. Minor stated that their conversation about the business of prostitution involved only her past acts.

After hearing argument from counsel for the People and for minor, the juvenile court found the allegation to be true. On August 11, 2011, the court declared minor a ward of the court and, although this was her second true finding on prostitution charges, placed her on probation in the custody of her parents.

DISCUSSION

Minor appealed and, upon her request, this court appointed counsel to represent her. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and one potential arguable issue: whether there was sufficient evidence to support the juvenile court's true finding of the allegation of loitering with the intent to commit prostitution. Counsel has also requested this court review the entire record.

We offered minor an opportunity to file a personal supplemental brief, which she has not done.

We have now concluded our independent review of the record and find no arguable issues.

DISPOSITION

The judgment of the juvenile court is affirmed.

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CODRINGTON
J.

We concur:

RAMIREZ
P. J.

KING
J.