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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

D.W.,

Defendant and Appellant.

E054655

(Super.Ct.No. J237803)

OPINION

APPEAL from the Superior Court of San Bernardino County. William Jefferson Powell IV, Judge. Affirmed.

Daniel R. McCarthy, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A juvenile wardship petition was filed in San Bernardino County on March 7, 2011, alleging that defendant and appellant D.W. (minor) committed an assault by means

likely to produce great bodily injury. (Pen. Code, § 245, subd. (a)(1).) Minor admitted the allegation. A disposition hearing was held on June 7, 2011. The juvenile court declared minor a ward and placed her on probation in the custody of her mother. Approximately two months later, a probation violation petition was filed, alleging that minor violated the terms of her probation by leaving home without permission and staying out past the court-ordered curfew. She admitted the violation. After a contested disposition hearing on September 19, 2011, the court ordered minor to be detained in juvenile hall pending placement in a foster care facility.

Minor filed a timely notice of appeal regarding the September 19, 2011 disposition. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On February 18, 2011, minor got into an argument with another student at school. When the teacher intervened, minor pulled the teacher's hair and punched her in the back of the head several times. As a result of the incident, the juvenile wardship petition was filed under Welfare and Institutions Code section 602, alleging that minor committed an assault by means likely to produce great bodily injury. (Pen. Code, § 245, subd. (a)(1)).¹

Prior to the hearing on the petition, the probation department filed a section 241.1 report stating that minor was initially removed from her mother's custody on September 20, 2010, due to sexual abuse by her mother's boyfriend and physical abuse and neglect by mother. Minor was placed in foster care, but she refused placement. In a period of

¹ All further statutory references will be to the Welfare and Institutions Code, unless otherwise noted.

two months, she ran away at least six times, and usually ended up back with her mother. After a team decision meeting at the Inland Valley Recovery Center, minor was returned to mother's home on December 14, 2010 on a trial basis. The court ordered minor to remain with her mother on a family maintenance plan. Minor and her mother were ordered to participate in services, but neither of them fully complied. Minor's social worker concluded that the San Bernardino County Children and Family Services had not made enough of an impact on the family, and she joined in the probation officer's recommendation that the court proceed with the section 602 petition.

On May 4, 2011, the court held a hearing on the section 602 petition. Minor admitted the assault allegation. At the dispositional hearing on June 7, 2011, the court declared minor a ward of the court and placed her on probation in her mother's custody.

On August 5, 2011, minor contacted her mother to ask for a ride home. Her mother said she did not have enough gas to pick her up, so minor said she would find a way home. She did not return home.

On August 8, 2011, the probation officer contacted minor's mother, who said she had not heard from minor. At the probation officer's direction, minor's mother filed a missing persons report with the police.

On August 15, 2011, a probation violation petition was filed, alleging that minor violated the term of her probation that required her to be home every night by curfew and not leave home unless accompanied by a parent/guardian, or with the probation officer's permission. On August 16, 2011, the court issued a warrant for minor's arrest.

On August 26, 2011, police officers were dispatched to a motel, where three subjects were being detained by motel security for trespassing and possession of drugs. The police discovered minor at the motel with an adult male and female. According to minor, when her mother could not pick her up, she went to the bus stop asking for money and met the adult male. He asked her if she wanted to “hang out and smoke weed,” and she went to his motel room.

At a pretrial hearing on September 13, 2011, minor’s counsel indicated to the court that minor wanted to waive her right to a hearing and admit the allegation in the probation violation petition. Minor confirmed with the court that she had time to speak with her attorney and ask questions. She also confirmed that no one was forcing her to make an admission, and no one had made any promises to her. Minor’s counsel stipulated to the probation report as providing a factual basis for the admission. Minor admitted that she violated her probation by leaving home and failing to return by her curfew, without being accompanied by a parent or having permission. Her counsel joined in the admission. The court found that she had knowingly and intelligently waived her right to a hearing, as well as her constitutional rights, and that her admission was made freely and voluntarily. The court deemed the allegation in the petition true and set the matter for a disposition hearing.

The probation officer filed a report recommending that minor be detained in juvenile hall pending placement in a foster care facility. The probation officer noted that minor’s mother contacted her numerous times to request information on how to give up her parental rights. Each time, minor’s mother sounded frustrated, stressed, and upset.

The disposition hearing was held on September 19, 2011. Minor's mother testified that she now wanted minor to be at home with her, and she was willing to participate in counseling and get minor into counseling. The probation officer maintained her recommendation that minor should be put in placement. The court placed minor in the custody of the probation department and ordered that she be detained in juvenile hall while awaiting placement in a foster care facility.

ANALYSIS

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 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case and two potential arguable issues: 1) whether minor's admission to the probation violation was valid; and 2) whether the court abused its discretion in ordering her to be removed from her home. Counsel has also requested this court to undertake a review of the entire record.

We offered minor an opportunity to file a personal supplemental brief, which she has done. She sent a one-page handwritten letter to her counsel and asked him to submit it to this court on her behalf. In the letter, minor states her belief that "they [had] no right to put [her] in placement." She makes a variety of assertions, including that she is not "a trouble child," she helps her mother a lot and, that without her help, her mother has anxiety attacks. Minor claims that "they" never gave her and her mother a chance to be at home with each other, to participate in counseling, and to work on their relationship.

She also states that she does not commit crimes, she has not fought since the fight with her teacher, and she was incarcerated for a long time “just because [she] ran away.”

All of minor’s claims are ““perfunctorily asserted without argument in support”” (*People v. Williams* (1997) 16 Cal.4th 153, 206.) “[E]very brief should contain a legal argument with citation of authorities on the points made. If none is furnished on a particular point, the court may treat it as waived, and pass it without consideration. [Citations.]’ [Citations.]” (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) Minor fails to make any legal argument or cite to any pertinent authority in support of her claims.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

MILLER
J.

CODRINGTON
J.