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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re G.P., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

G.P.,

Defendant and Appellant.

E054745

(Super.Ct.No. J240199)

OPINION

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

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

No appearance for Plaintiff and Respondent.

INTRODUCTION

On August 8, 2011, a juvenile wardship petition alleged that defendant and appellant G.P. was a minor described under Welfare and Institutions Code section 602,

on the ground that he committed vandalism causing less than \$400 in damage under Penal Code section 594, subdivision (b)(2)(A). After a contested jurisdictional hearing, the juvenile court found the petition true. The court found that the offense would be a misdemeanor if committed by an adult, and that the maximum period of confinement was one year. At the dispositional hearing, the court declared minor a ward, placed him in the custody of his mother pursuant to terms of probation, and ordered him to pay restitution.

On October 13, 2011, minor filed a timely notice of appeal from the dispositional placement order.

STATEMENT OF FACTS

Minor was 14 years old and lived with his mother in an apartment complex in Colton, California, at the time of the events relevant herein.

At the jurisdictional hearing, Candace Foulk, who lived in the same apartment complex as minor, testified that on June 21, 2011, she saw minor jump on the hood of her truck in order to climb over a fence at the apartment complex. The truck, a 2000 Dodge Dakota, was inoperable and had been parked at the same location for several months. Foulk testified that she had seen minor jump on the truck in a similar manner several times prior to June 21st. On one occasion shortly before the June 21st incident, Foulk confronted minor and told him to stop jumping on the truck. The next day, on June 22d, Foulk again observed minor jumping on the truck. This time, she noticed a new dent on the truck near the area where minor had been jumping.

Another neighbor, Kimberly Knowles, also testified that she saw minor jumping on Foulk's car on June 22d. She stated that she asked minor why he had done that. He responded, "You didn't see me do anything."

Michael Collins, an officer with the Colton Police Department, testified that he was dispatched to minor's apartment complex on June 22d, to respond to a report of vandalism. He arrested minor for vandalism, then took him to the police station and advised him of his rights under *Miranda v. Arizona* (1966) 384 U.S. 436.

According to Officer Collins, minor agreed to speak with Collins. Minor told Collins that he had jumped over the fence and landed on Foulk's truck. Minor also told Collins that he had landed on the truck in a similar way about three times in the past. According to Collins, Foulk had told him that the dent occurred when minor jumped onto her car on June 21st, not June 22d, and minor claimed that he had been sick on the 21st and could not have caused the dent that day. Officer Collins testified that he had examined and photographed the soles of minor's shoes, and that the shoes matched a shoe print found on the truck.

Minor testified on his own behalf. He denied intending to cause damage to the truck. He admitted, however, that Foulk's fiancé had warned him not to jump on the truck, and that he had landed on the hood of the truck on June 22d. Minor also testified that he had used the truck only as a means to get over the fence, and did not walk across it or jump up and down on it. According to minor, the dent was already on the truck when minor climbed on it on June 22d. On cross-examination, minor admitted that he

would have been furious if he saw someone stepping on the hood of his mother's car because that could cause damage to the vehicle.

During closing arguments, minor's counsel argued that the element of malice had not been proved because there was no evidence that minor had acted with an "intent to annoy or injure someone else," or "a wish to vex, annoy, or inure another person." The court disagreed, finding that minor had satisfied the malice requirement because he had done something he knew to be wrong, and that he must have known he could cause damage by climbing onto the hood of the truck. The court found the petition true.

At the dispositional hearing, the prosecution provided an estimate from an auto dealership estimating that it would cost \$2,563.81 to repair the dent. Minor did not present any evidence of the value of the vehicle or the cost of repair. The court ordered restitution in the amount of \$2,563.81, along with probation.

ANALYSIS

After minor appealed, and upon his request, this court appointed counsel to represent him. 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, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered minor an opportunity to file a personal supplemental brief, but he has not done so. 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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MCKINSTER
J.

We concur:

RAMIREZ
P.J.

RICHLI
J.