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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

M.G.,

Defendant and Appellant.

E055816

(Super.Ct.No. J228120)

OPINION

APPEAL from the Superior Court of San Bernardino County. Brian Saunders,
Judge. Affirmed with directions.

Richard Glen Boire, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney
General, Julie L. Garland, Assistant Attorney General, Barry Carlton and Teresa
Torreblanca, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant M.G. (minor) appeals from the latest in a series of disposition orders, in which the juvenile court failed to state his maximum period of confinement. As discussed *post*, the People and this court agree that the case should be remanded for the limited purpose of allowing the juvenile court to state the maximum period of confinement in its disposition order.

FACTS AND PROCEDURE

Minor was initially declared a ward of the court on July 24, 2009, under Welfare and Institutions Code section 602, after he admitted an allegation that he drove a motor vehicle without a license. (Veh. Code, § 12500, subd. (a).) The juvenile court placed minor on probation and released him to his mother's custody.

On July 30, 2010, after minor admitted an allegation that he unlawfully took or drove a motor vehicle (Veh. Code, § 10851, subd. (a)), the juvenile court continued minor on probation in his mother's custody and ordered minor to serve 15 days in custody.

On September 15, 2010, minor admitted an allegation that he committed battery with great bodily injury. (Pen. Code, § 243, subd. (d).) On October 1, 2010, the juvenile court continued minor on probation in his mother's custody, and ordered him to serve 76 days in custody.

On April 19, 2011, minor admitted to violating probation by using marijuana. On May 3, 2011, the juvenile court continued minor on probation in his mother's custody and ordered him to serve 30 days in custody with credit for time served.

On September 12, 2011, minor again admitted to violating probation by using marijuana. On September 26, the juvenile court removed minor from his mother's custody and placed him in a foster home. On October 15, 2011, minor left the foster home after only one night and his whereabouts were unknown until his latest arrest on January 23, 2012, for residential burglary.

On January 23, 2012, a woman saw minor and his 18-year-old cousin enter her neighbor's house through a window in the garage and later leave through the garage door carrying bottles of water and two backpacks. The woman called her neighbor on the telephone, and the neighbor contacted police. Minor and his cousin were arrested nearby in possession of the neighbor's property.

At the conclusion of the contested jurisdiction hearing held on February 16, 2012, the juvenile court sustained an allegation that minor committed first degree burglary. (Pen. Code, § 459.) The court stated that "this violation would be deemed a felony were it committed by an adult, and would have a maximum detention time of six years in and of this offense alone."

At the detention hearing held on March 2, 2012, the juvenile court continued minor as a ward of the court in the care of the probation department and ordered him to remain in juvenile hall awaiting placement in a suitable foster care facility. This appeal followed.

DISCUSSION

Minor contends that the juvenile court failed to state a maximum term of confinement under Welfare and Institutions Code section 726, subdivision (c), in its

disposition order, although it appears to have done so at the jurisdiction hearing. The People agree that the record does not indicate that the juvenile court specified the maximum term at disposition. Therefore, the People concede, and we agree, that the matter should be remanded so the juvenile court may make a determination.

“[A]ny order removing a section 602 ward from the custody of a parent or guardian must state, among other things, that ‘physical confinement’ cannot exceed ‘the maximum term of imprisonment which could be imposed upon an adult convicted of the [same] offense or offenses.’ ” (*In re Eddie M.* (2003) 31 Cal.4th 480, 488, quoting Welf. & Inst. Code, § 726, subd. (c).)

In this case, at the dispositional hearing, minor was continued as a ward of the juvenile court and placed in the temporary custody of the probation officer pending placement in a suitable foster care facility. The juvenile court, however, did not specify minor’s maximum term of confinement.

Therefore, the case is remanded to the juvenile court to determine the maximum term of confinement and so state in the disposition order.

DISPOSITION

This case is remanded to the juvenile court to determine minor’s maximum term of confinement and so state in the disposition order. In all other respects, the disposition of the juvenile court is affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

MILLER
J.