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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re B.R., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

B.R.,

Defendant and Appellant.

E059433

(Super.Ct.No. J249711)

OPINION

APPEAL from the Superior Court of San Bernardino County. Barbara A.
Buchholz, Judge. Affirmed.

John F. Schuck, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant B.R., a minor, appeals after the juvenile court accepted the minor's admission to the commission of a misdemeanor offense of resisting an officer (Pen. Code, § 148, subd. (a)(1)), and placed the minor on probation. We affirm.

FACTS AND PROCEDURAL HISTORY

On May 31, 2013, the County of San Bernardino filed a juvenile wardship petition under Welfare and Institutions Code section 602, subdivision (a), alleging that the minor had committed two misdemeanor violations: resisting a peace officer in violation of Penal Code section 148, subdivision (a)(1) (count 1); and public intoxication in violation of Penal Code section 647, subdivision (f).

According to a police report, officers were dispatched to the minor's family home on a report of breaking windows. The minor's mother told officers that the minor had come home early in the morning after staying out all night. The minor brought two friends with her, but the minor's mother said they could not stay at the home. The mother locked the minor out of the house; that was when the minor began breaking windows. The mother also informed the officers that the minor had been experimenting with the intoxicating effects of cough syrup, and that was what was causing the minor's under-the-influence symptoms.

When the officers arrived on the scene, the minor was combative, and she screamed and yelled at the officers. Among other things, she screamed that she had glass on her hands. She failed to comply with the officers' commands to get on her knees, and she pulled away from them. Eventually, the minor was handcuffed, and had to be

dragged to the police car because she would not walk. At the police station, the minor was seated at a bench during processing. Her behavior was so erratic, she had to be shackled as well as restrained in handcuffs. She also attempted to spring up from the bench to head butt an officer.

The minor was cited for violation of the two provisions stated in the petition. She was also transported to the hospital for injuries to her hands from the broken glass.

Initially, the minor was detained in the parents' home pending a jurisdictional hearing. Preliminarily, she denied the allegations of the petition. At the jurisdictional hearing, upon taking evidence, the court found true the allegation of misdemeanor resisting an officer. The court dismissed the allegation in count 2 of public intoxication. The court referred the matter to the probation department for a dispositional report and recommendations. In the meantime, the minor continued to be detained in the parents' home.

The probation department developed a treatment plan for the minor, who was to be placed in the parental home during the supervised probationary period of the plan. The dispositional hearing report recommended that the minor not be declared a ward of the juvenile court, but be placed on non-wardship summary probation in the family home.

The juvenile court followed the recommendations in the report. The court did not declare the minor a ward of the juvenile court, but placed the minor in the custody of her mother, on terms of summary probation.

The minor's counsel filed a notice of appeal on the minor's behalf, after entry of the dispositional orders.

ANALYSIS

This court appointed counsel to represent the minor on appeal. Appointed appellate counsel has filed an opening brief under 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 brief statement of the case and summary of the facts, but making no substantive arguments as to any issues. The minor has been offered the opportunity to file a personal supplemental brief, which she has not done. Counsel has requested this court to undertake an independent review of the record in this case. Counsel has also identified one possible potential arguable issue: whether the responding officer had probable cause to arrest the minor in the first instance.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have now conducted an independent review of the entire record, and we have found no arguable issues. As to the sole issue suggested by appointed appellate counsel, we note that the officers at the scene were responding to reports that the minor was breaking windows. The responding officers found at the scene that the minor had glass on her hands, and she was transported for medical treatment. The officers had initial probable cause for an arrest.

DISPOSITION

The judgment is affirmed.

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McKINSTER
Acting P. J.

We concur:

RICHLI
J.

MILLER
J.