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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re J.A., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.A.,

Defendant and Appellant.

E061376

(Super.Ct.No. J252886)

OPINION

APPEAL from the Superior Court of San Bernardino County. Lynn M. Poncin,
Judge. Affirmed.

Kyle D. Smith, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Julie L. Garland, Assistant Attorney General,
William M. Wood and Brendon W. Marshall, Deputy Attorneys General, for Plaintiff and
Respondent.

A juvenile wardship petition was filed against defendant and appellant J.A. (minor) pursuant to Welfare and Institutions Code section 602. The petition alleged that minor committed an attempted robbery. (Pen. Code, §§ 664/211.) The juvenile court found the allegation true, declared minor a ward, and placed him in the custody of his mother and stepfather on specified terms of probation.

On appeal, minor argues that one of his probation conditions is unconstitutionally vague and overbroad. We affirm.

FACTUAL BACKGROUND

On January 19, 2014, J.L. (the victim) was walking down the street at approximately 5:00 p.m. Three boys approached and surrounded him. One of the three boys, later identified as minor, demanded the victim's cell phone. One of the other boys hit the victim on the side of the head. The victim did not hand over his cell phone. Instead, he took off and ran to his friend's house. His friend called the police.

Minor and the other boys were playing football when the police arrived. The boys attempted to flee, but the police chased them and apprehended them.

ANALYSIS

Minor's Probation Condition is Valid

Minor contends that one of his probation conditions, condition No. 2, is unconstitutionally vague and overbroad. Condition No. 2 required minor to "Obey parents, responsible adults and the probation officer and cooperate in a plan of rehabilitation." We conclude that this condition is valid.

At the outset, we note that minor did not object to the probation condition when it was imposed in the juvenile court. However, we do not deem the issue waived on appeal. In *In re Sheena K.* (2007) 40 Cal.4th 875, 889 (*Sheena K.*), the California Supreme Court held in a juvenile case that a failure to object to a probation condition on the ground that it is unconstitutionally vague and overbroad is not waived on appeal. We apply the same rule to this case.

“A juvenile court enjoys broad discretion to fashion conditions of probation for the purpose of rehabilitation and may even impose a condition of probation that would be unconstitutional or otherwise improper so long as it is tailored to specifically meet the needs of the juvenile. [Citation.] That discretion will not be disturbed in the absence of manifest abuse.” (*In re Josh W.* (1997) 55 Cal.App.4th 1, 5.) However, “the juvenile court’s discretion in formulating probation conditions is not unlimited.” (*In re D.G.* (2010) 187 Cal.App.4th 47, 52.) Under the void for vagueness doctrine, based on the due process concept of fair warning, an order ““must be sufficiently precise for the probationer to know what is required of him, and for the court to determine whether the condition has been violated.”” (*Sheena K., supra*, 40 Cal.4th at p. 890.) “In addition, the overbreadth doctrine requires that conditions of probation that impinge on constitutional rights must be tailored carefully and reasonably related to the compelling state interest in reformation and rehabilitation.” (*In re Victor L.* (2010) 182 Cal.App.4th 902, 910.)

Here, the juvenile court placed minor in the custody of his mother and stepfather, on conditions of probation, including the requirement that he “[o]bey parents, responsible

adults and the probation officer and cooperate in a plan of rehabilitation.” Minor first complains that the order that he “[o]bey . . . responsible adults . . . ” is impermissibly vague because it does not define the term “responsible.” The condition requires minor to “[o]bey parents, responsible adults and the probation officer and cooperate *in a plan of rehabilitation.*” (Italics added.) The term “responsible adult,” when read in context, reasonably identifies those adults who are responsible in some way for the minor’s care, rehabilitation, or supervision, such as a parent, guardian, custodian, probation officer, or teacher. Manifestly, the minor is not required to obey the directions of all persons over the age of 18. The term “responsible adult” reasonably identifies the class of persons whom the minor must obey.

Minor further argues that condition No. 2 is unconstitutionally overbroad because it impinges on his rights, without being narrowly tailored. He contends that the condition is overbroad because it does not limit the class of people that may issue directives to him, and it does not limit the kinds of directives he is required to follow. He specifically claims the language of the condition “delegates sweeping authority to ‘responsible adults’” to “create new probation conditions that impinge on the minor’s constitutional rights.” He also asserts that “the language of the condition does not allow the minor to withhold obedience from unreasonable directives, directives that excessively impinge on his constitutional rights, or directives from people unqualified to make important decisions about the personal details of his life.” We disagree. A probation condition should be given “the meaning that would appear to a reasonable, objective reader.”

(*People v. Bravo* (1987) 43 Cal.3d 600, 606.) On its face, the condition only requires minor to obey certain adults and cooperate “in a plan of rehabilitation.” It does not grant probation officers and responsible adults “the power to craft new directives” or entirely new probation conditions, as minor claims. It also does not forbid minor from withholding obedience from any unreasonable or improper directives. Moreover, this probation term does not authorize the probation officer or anyone else to give irrational or unreasonable directives. (See *People v. Kwizera* (2000) 78 Cal.App.4th 1238, 1240-1241 [probation department’s authority to ensure compliance with terms of probation does not authorize irrational directives by a probation officer].)

Furthermore, minor has not alleged that any probation officer or responsible adult has demanded that he obey unreasonable directives, or that there has been any impingement on his constitutional rights. “[I]n the absence of any demonstrated impairment of a constitutional right, this . . . condition is not subject to exacting scrutiny for overbreadth; rather, it is to be accorded deferential review for any abuse of discretion.” (*People v. Olguin* (2008) 45 Cal.4th 375, 387.) For the reasons discussed *ante*, we conclude that the juvenile court did not abuse its discretion in imposing the condition that minor “[o]bey parents, responsible adults and the probation officer and cooperate in a plan of rehabilitation.”

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

KING
J.

MILLER
J.