

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

M.A.,

Defendant and Appellant.

E062359

(Super.Ct.No. J256352)

OPINION

APPEAL from the Superior Court of San Bernardino County. Steven A. Mapes,
Judge. Affirmed.

Wayne C. Tobin, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea agreement, defendant and appellant M.A. (minor) admitted that
he had committed second degree robbery (Pen. Code, § 211; count 2). In return, the

remaining counts and enhancement allegations were dismissed. Minor was thereafter declared a ward of the court and placed into the Gateway Program for 18 months on various terms and conditions. Minor appeals from the judgment. We find no error and affirm.

I

FACTUAL AND PROCEDURAL BACKGROUND¹

On July 23, 2014, minor came to his girlfriend's residence and confronted her about relationship problems. During the confrontation, minor punched his girlfriend in the face and pushed her to the ground. Minor then left the scene.

On September 8, 2014, minor attempted to steal recyclable items from the victim's truck bed. After the victim's wife confronted minor, minor left but soon returned with an accomplice. Minor and his accomplice then stole the recyclable items while the victim's wife yelled. The victim responded by throwing a rock and a tire iron at minor. Minor picked up the tire iron and advanced towards the victim. When the victim attempted to flee, he tripped and sustained various injuries. Minor took a few more steps then turned around and fled with the tire iron. The victim followed minor in his truck while his wife called the police.

¹ The factual background is taken from the probation officer's report.

As the victim was following minor, a second victim attempted to contact minor on foot. As the second victim neared minor, minor rushed towards him while waving the tire iron. The second victim then retreated back to his vehicle in fear for his safety. Soon thereafter, police arrived and apprehended minor.

On September 23, 2014, an amended Welfare and Institutions Code section 602 petition was filed charging minor with two counts of assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1); counts 1 & 3); one count of second degree robbery (Pen. Code, § 211; count 2); and one count of misdemeanor battery against a cohabitant (Pen. Code, § 243, subd. (e)(1); count 4). The amended petition also alleged that as to the robbery count (count 2), minor personally inflicted great bodily injury upon a person who was 70 years of age and older (Pen. Code, § 12022.7, subd. (c)).

At a pretrial hearing on October 30, 2014, the juvenile court ordered minor screened for the Gateway Program. Minor had previously been declared a ward of the court on two separate occasions following sustained charges for burglary and possession of a controlled substance. On November 13, 2014, minor was accepted into the Gateway Program, and the probation officer recommended that minor be placed into that program.

On November 18, 2014, pursuant to an agreement, minor admitted to the robbery charge. After directly examining minor, the juvenile court found that minor understood the nature of the charges and the consequences of his admission; that the admission was entered into freely, voluntarily, knowingly, and intelligently; and that there was a factual basis for his admission. The juvenile court thereafter dismissed the remaining charges

and enhancement allegations; declared minor a ward of the court; and found five years as the maximum period of physical confinement. The parties stipulated that the probation officer could consider the dismissed allegations in the preparation of his report. Minor was placed into the Gateway Program and ordered to comply with the terms and conditions set forth in the Gateway Program report. Minor was also ordered to serve 72 days in juvenile hall with credit for 72 days.

II

DISCUSSION

Minor appealed from the judgment, and we appointed counsel to represent him on appeal. After examination of the record, 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 conduct an independent review of the record.

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

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable issues that would result in a disposition more favorable to minor.

III
DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P. J.

We concur:

McKINSTER
J.

KING
J.