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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

A.V.,

Defendant and Appellant.

E062982

(Super.Ct.No. J255312)

OPINION

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

Eric Cioffi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

The juvenile court found true that defendant and appellant A.V. (minor) committed assault with a firearm (Pen. Code, § 245, subd. (a)(2)) as alleged in count 2.

The court found not true the allegation alleged in count 1 that minor committed attempted murder (Pen. Code, §§ 664/187, subd. (a)). The court also found not true the enhancement allegation attached to count 1 that minor personally and intentionally used and discharged a firearm, which proximately caused great bodily injury and death to the victim (Pen. Code, § 12022.53, subds. (b), (c), (d) & (e)(1)). Minor was thereafter declared a ward of the court and placed in a suitable foster care facility. Minor appeals from the judgment. We find no error, and affirm the judgment.

I

FACTUAL AND PROCEDURAL BACKGROUND

On the evening of June 17, 2014, minor went to the house of his friend Victor Perez. Perez was at home and came outside to speak with minor and another juvenile. Perez told them that he was going to go lay down because he worked early in the morning. As Perez began to go inside his home, minor told him he wanted him to see something. Minor said, “ ‘Look what I’ve got,’ ” and showed Perez a handgun. As Perez turned away, he heard a “click,” and realized that minor had pulled the trigger of the gun. Perez told minor to be careful and not to point the gun at him. Minor laughed and it seemed like he was joking and playing around. Minor then pulled the trigger again, and this time the gun discharged, hitting Perez.

A witness saw minor approach Perez and engage in casual conversation with Perez. Later, she heard a bang and looked over a wall to where the boys were standing. She saw Perez was bleeding. He asked her to call an ambulance, which she did.

Emergency personnel and police responded to the scene. Perez told the police that the shooting was accidental. Perez never believed minor was threatening him or intended to hurt him, but rather, minor was showing off and acting foolishly by pointing the gun at him.

Afterward, minor ran to his older brother's home and told him that he had accidentally shot a friend. Minor's brother took minor to their mother's home, and they told minor he needed to turn himself into the police. Minor agreed and, ultimately they approached an officer at a 7-Eleven. Minor then turned himself in and told the police he had accidentally shot his friend.

On June 19, 2014, a Welfare and Institutions Code section 602, subdivision (a) petition was filed alleging that minor committed attempted murder (Pen. Code, §§ 664/187, subd. (a); count 1) and assault with a firearm (Pen. Code, § 245, subd. (a)(2); count 2). The information also alleged that in the commission of count 1, minor personally and intentionally used and discharged a firearm, which proximately caused great bodily injury and death to the victim (Pen. Code, § 12022.53, subds. (b), (c), (d) & (e)(1)).

Following an adjudication hearing, on January 16, 2015, the juvenile court found true that minor committed count 2. The court found not true the findings on count 1 and the enhancement allegation attached to count 1.

On February 25, 2015, the juvenile court declared minor a ward of the court and placed him in a suitable foster care facility.

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 to 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 record for potential error and find no arguable issues.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

KING

J.

MILLER

J.