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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.

E064106

(Super.Ct.No. J256877)

O P I N I O N

APPEAL from the Superior Court of San Bernardino County. Barbara A.

Buchholz, Judge. Affirmed.

Dawn S. Mortazavi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Over the course of a year and a half, defendant and appellant A.V. (Minor) admitted numerous felony and misdemeanor allegations in seven separate juvenile dependency petitions. The juvenile court ordered Minor committed to the Gateway Program for a total of nine years.

After Minor's counsel filed a notice of appeal, this court appointed counsel to represent him. 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 and identifying two potentially arguable issues: (1) whether the court imposed an unauthorized dispositional order and (2) whether the court obtained a proper factual basis in accepting Minor's admissions. We affirm.

I. PROCEDURAL HISTORY

In Petition #1, filed on February 7, 2014, the People charged Minor with possession of marijuana for sale or transportation (count 1; Health & Saf. Code, § 11360, subd. (a)) and driving without a valid driver's license (count 2; Veh. Code, § 12500, subd. (a)).

In Petition #2, filed on July 21, 2014, the People charged Minor with possession of methamphetamine. (Count 1; Health & Saf. Code, § 11377, subd. (a).) In Petition #3, filed on September 18, 2014, the People charged Minor with evading police while driving recklessly (count 1; Veh. Code, § 2800.2), the unlawful taking of a vehicle (count 2; Veh. Code, § 10851, subd. (a)), receiving stolen property (count 3; Pen. Code, § 496, subd.

(a)), evading a peace officer while driving against traffic (count 4; Veh. Code, § 2800.4), and the unlawful taking of an additional vehicle (count 5; Veh. Code, § 10851, subd. (a)).

On October 8, 2014, Minor admitted to felony possession of a controlled substance (Petition #2; count 1; Health & Saf. Code, § 11377, subd. (a)), evading police while driving recklessly (Petition #3; count 1; Veh. Code, § 2800.2), unlawful taking of a vehicle (Petition #3; count 2; Veh. Code, § 10851, subd. (a)), and evading a peace officer while driving against traffic (Petition #3; count 4; Veh. Code, § 2800.4). In exchange, the People agreed to dismiss Petition #1 and the remaining counts in Petition #3. The court read a description of the offenses which Minor admitted and asked Minor if it was “a true and correct description of what” Minor did. Minor responded that it was.

On November 3, 2014, the juvenile court found Minor to be a ward of the court pursuant to Welfare and Institutions Code section 602 and released him on probation in his mother’s custody. On January 23, 2015, the juvenile court granted Minor’s Penal Code section 1170.18 motion to amend Petition #2, count 1, to reduce the Health and Safety Code section 11377, subdivision (a) allegation from a felony to a misdemeanor.

In Petition #4, filed on January 2, 2015, the People charged Minor with evading police while driving recklessly (count 1; Veh. Code, § 2800.2), driving without a valid driver’s license (count 2; Veh. Code, § 12500, subd. (a)), and unlawful taking of a vehicle (count 3; Veh. Code, § 10851, subd. (a)). In Petition #5, filed on January 8, 2015, the People charged Minor with possession of methamphetamine (count 1; Health & Saf.

Code, § 11377, subd. (a)) and possession of an opium pipe (count 2; Health & Saf. Code, § 11364.1, subd. (a)).

On January 23, 2015, Minor admitted evading police while driving recklessly (Petition #4; count 1; Veh. Code, § 2800.2), driving without a valid driver's license (Petition #4; count 2; Veh. Code, § 12500, subd. (a)), and the unlawful taking of a vehicle (Petition #4; count 3; Veh. Code, § 10851, subd. (a)). In exchange, the People agreed to dismiss Petition #5. The court asked Minor if it were true he had committed the offenses described in the petition; Minor said that it was. On February 19, 2015, the juvenile court released Minor on probation to his mother after he served 50 days in custody.

The People filed a violation of probation petition on April 28, 2015. The People charged Minor with failing to contact his probation officer (count 1); failing to be home by curfew (count 2); failing to attend a counseling program (count 3); and failing to report his three law enforcement contacts, including one arrest and two citations, to the probation officer (count 4). On June 23, 2015, Minor admitted the count 1 allegation of the violation of probation petition. In exchange, counts 2, 3, and 4 were dismissed. The parties stipulated that the probation report would provide a factual basis for the admission.

In Amended Petition #6, filed on May 19, 2015, the People alleged Minor had received stolen property (Petition #6; count 1; Pen. Code, § 496d, subd. (a)) and resisted and obstructed an officer in the discharge of his duties (Petition #6; counts 2-3; Pen. Code, § 148, subd. (a)(1)). In Petition #7, filed on May 14, 2015, the People alleged

Minor had evaded police while driving recklessly (Petition #7; count 1; Veh. Code, § 2800.2) and received a stolen vehicle (Petition #7; count 2; Pen. Code, § 496d, subd. (a)). On May 20, 2015, the court, pursuant to a Penal Code section 17b request, reduced all of the Petition #6 allegations from felonies to misdemeanors. On the same date, Minor admitted all of the counts in Petitions #6 and #7. The court found a factual basis for the admission based on Minor's signed and initialed description of the nature of the offenses he admitted. Minor additionally admitted in open court that he had committed the offenses as alleged in the petitions.

At the July 21, 2015, dispositional hearing, which included disposition of the probation violation, the juvenile court continued Minor as a ward of the court and ordered Minor committed to the Gateway Program for a total of nine years with 170 days of credit. On June 21, 2016, the juvenile court issued an order nunc pro tunc correcting Minor's maximum confinement period to seven years and 10 months.¹

II. DISCUSSION

We offered defendant an opportunity to file a personal supplemental brief, which he has not done. 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.

¹ The order is not a part of the record on appeal. We take judicial notice of the minute order dated June 21, 2016, in the instant case. (Evid. Code, § 459, subd. (a).)

III. DISPOSITION

The judgment is affirmed.

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McKINSTER
J.

We concur:

RAMIREZ
P. J.

SLOUGH
J.