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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

THE PEOPLE,

Plaintiff and Respondent,

v.

A.C.,

Defendant and Appellant.

E065557

(Super.Ct.No. J262855)

OPINION

APPEAL from the Superior Court of San Bernardino County. Erin K. Alexander,
Judge. Affirmed.

David Cohen, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

A juvenile wardship petition was filed against defendant and appellant A.C.
(minor), pursuant to Welfare and Institutions Code section 602. The petition alleged that

minor committed the crime of battery with serious bodily injury. (Pen. Code, § 243, subd. (d).) Following a jurisdictional hearing, a juvenile court denied minor's motion to dismiss the petition (Welf. & Inst. Code, § 701.1) and found the allegation true. The court recognized that the offense was a wobbler and declared it a felony with a maximum commitment time of four years. The court further noted that minor caused significant injury to the victim. At the disposition hearing, the court denied minor's motion to reduce the offense to a misdemeanor under Penal Code section 17, subdivision (b). The court then declared minor a ward and placed him on specified terms of probation for a minimum of six months, in the custody of his mother.

Minor filed a timely notice of appeal. We affirm.

FACTUAL BACKGROUND¹

Minor and the victim attended the same high school. Two days prior to the incident that was the subject of the petition, minor confronted the victim about hitting his girlfriend. Minor tried to instigate a fight, but the victim refused. On the day of the incident, minor and the victim rode the same bus. Minor exited the bus and waited in a dirt field for the victim. The victim walked toward minor, and minor confronted him. The victim tried to walk away, but minor "pressed the issue." He punched the victim several times in the face with his fist. The victim looked down and saw a blood drop hit his hand. Then he called the police. The victim's mother happened to be driving by, and she picked him up and took him to the hospital.

¹ The factual background is taken from the probation officer's report and the jurisdictional hearing transcript.

The police officer who responded to the victim's call contacted him at the hospital. When the officer walked into the emergency room, he immediately noticed that the victim's left eye was severely swollen, and the skin above his eyebrow was split open. The victim was only able to open his eye slightly. The victim received four stitches above his eyebrow and was given medication for the inflammation and pain.

DISCUSSION

Minor appealed and, upon his request, 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 two potential arguable issues: (1) whether the injury suffered by the victim qualified as a "serious bodily injury" under Penal Code section 243, subdivision (d); and (2) whether the court abused its discretion in denying minor's Penal Code section 17, subdivision (b) motion because of the version of the events he told the probation officer. Counsel has also requested this court to undertake a review of the entire record.

We offered minor 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 conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
J.

We concur:

RAMIREZ
P. J.

CODRINGTON
J.