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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

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

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY J.,

Defendant and Appellant.

F064057

(Super. Ct. No. 10CEJ600739-3)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Brian M. Arax, Judge.

James M. Kehoe, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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*Before Levy, Acting P.J., Cornell, J. and Detjen, J.

In November 2011, following a contested jurisdiction hearing, the juvenile court found true allegations that appellant, Larry J., a minor, committed two counts of assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1))¹ and two counts of assault by means of force likely to cause great bodily injury (§ 245, subd. (a)(1)), and that in committing each offense he personally inflicted great bodily injury on a person other than an accomplice (§ 12022.7, subd. (a)). At the disposition hearing, on December 8, 2011, the court ordered appellant committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice (DCRJJ) and set appellant's maximum term of physical confinement at nine years, with 101 days' credit for time served.

Appellant's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing. We affirm.

FACTUAL BACKGROUND

The Instant Offenses

Shortly after midnight on August 30, 2011, C.F. and his brother J.F. were walking along Fresno Street in Fresno when they saw appellant, whom they both knew, and appellant's friend, Dominic, walking on the other side of the street. Appellant and Dominic crossed the street and approached C.F. and J.F. At that point, C.F. testified, "[a] lot of trash talk" ensued, and Dominic and J.F. "squar[ed] up." After 30 to 45 seconds of "trash talking," appellant tried to kick C.F. C.F. blocked the kick and appellant reached into his back pocket and pulled out a knife. Appellant lunged at C.F. and stabbed him first in the left hand and then in the left shoulder area. C.F. backed up and called to his brother that appellant had a knife. J.F. was fighting with Dominic at that point, and appellant came up behind J.F. and stabbed him in the back. Upon being stabbed, J.F. fell

¹All statutory references are to the Penal Code.

to the ground, at which point a police officer arrived on the scene and appellant and Dominic ran off.

The blade of the knife went through C.F.'s hand, between the thumb and forefinger. That wound, C.F. testified, required approximately seven to nine sutures on the palm side of his hand and approximately two sutures to the other side of his hand. The wound to his left triceps area required six staples. J.F.'s wound was treated with four staples.

Additional Factual Background

Appellant was four months shy of his 18th birthday at the time of the disposition hearing. He had suffered one prior juvenile adjudication, in 2008, for misdemeanor vandalism (§ 594, subd. (a)(1)). Appellant also engaged in the following conduct that brought him in contact with the juvenile justice system but did not result in sustained wardship petitions: In 2007 he struck his 14-year-old cousin with a baseball bat, he punched another minor near the left eye, and he punched yet another minor in the mouth; in 2008 he engaged in a fistfight with another minor on a school bus.

In school, for the 2010-2011 spring semester he received all failing grades except for one "D," and for the 2011-2012 fall semester he received grades of incomplete in all his classes. According to school district records, appellant had 21 disciplinary referrals and three suspensions between March 2010 and November 2010. On November 10, 2010, he "became involved in a physical altercation with another student, resulting in the other student going to the hospital." School district records also show that appellant has earned one credit toward the 220 credits he needs to graduate.

Appellant told the probation officer he had no gang involvement. However, the probation officer received information that appellant had been "involved in gang activity" while confined at the juvenile justice campus.

Appellant told the probation officer that he first used marijuana when he was 15 years old, he last used marijuana the day before he was arrested in the instant case, and the "Frequency" of his marijuana use is "Daily."

Appellant's "case was screened and denied for the New Horizon's Program." The denial was based on "the seriousness of the offense ... and [his] need for a long term commitment and supervision to assist him with rehabilitation which cannot be provided at the local level." A DCRJJ intake officer told the probation officer that at DCRJJ appellant would receive a high school education program, a "Victim Impact Class," and counseling for substance abuse and anger management.

DISCUSSION

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

DISPOSITION

The judgment is affirmed.