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

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

THE PEOPLE,

Plaintiff and Respondent,

v.

NICHOLAS M.,

Defendant and Appellant.

F064447

(Super. Ct. No. 512762)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Nan Cohan Jacobs, Judge.

Randall Conner, 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 Wiseman, Acting P.J., Gomes, J., and Franson, J.

Appellant, Nicholas M., a minor, was initially adjudged a ward of the juvenile court in November 2011, based on his admissions of allegations that he committed three misdemeanors: making a criminal threat (Pen. Code, § 422), vandalism (Pen. Code, § 594, subd. (b)(2)(A)), and resisting, delaying or obstructing a peace officer (Pen. Code, § 148, subd. (a)(1)). The court placed appellant on probation.

In the instant case, in February 2012, the court found true an allegation that appellant committed first degree burglary (Pen. Code, §§ 459, 460, subd. (a)). Following the subsequent disposition hearing, the court continued appellant as a ward of the court and continued him on probation, with conditions of probation that included confinement in juvenile hall for 60 days, with 22 days of predisposition credit and with the final 15 days of the commitment to be served on home confinement.

Appellant's appointed appellate counsel has filed an opening brief which 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.

FACTS

Prosecution Case

Appellant, Vanessa Correa and Jacob W. lived in separate residences in a mobile home park in Modesto. Carlos Ruiz testified that he is an employee of the mobile home park.¹ At approximately 1:00 p.m. on January 16, 2012, after a resident of the mobile home park named Jason "direct[ed] [his] attention" to Correa's mobile home, Ruiz saw that the home's back door was open, it appeared to be "broke[n]," and something had

¹ Except as otherwise indicated, the remainder of our factual summary is taken from Ruiz's testimony.

been used to pry it open. Ruiz entered the mobile home through the back door and saw Jacob, who was putting a “Wii” electronic game console into a backpack, and appellant, who was standing six or seven feet away from Jacob. Jacob was holding a knife or a screwdriver and he was wearing a “beanie” that was “pulled down” so that it covered part of his face. Appellant looked “scared,” and said “oh shit” when Ruiz “first walked in.” Ruiz told Jacob to “let the things down” and leave the mobile home. Jacob and appellant then left and walked over to the mobile home where Jacob lived, and Jacob entered through a window. Appellant remained standing outside.

Correa testified to the following: While she was at work, she received several calls from the mobile home park manager informing her that she had been the victim of a break-in. When she got home, she saw that her back door was “broken from the frame” and that her “Wii stuff,” which she kept on top of her “entertainment center,” was on the floor.

Defense Case

Appellant testified that on January 16, 2012, he was walking in the direction of his sister’s home at the mobile home park when he noticed that the back door of another mobile home was open.² He entered through the back door and encountered Jacob. He asked Jacob why he was there, and Jacob responded that he “wanted their Nintendo Wii.” Appellant was “just standing there watching him, ... waiting for him to put the stuff down, but he continued to put it in his bag.”

Approximately 45 seconds after he entered, a person he knew as Jason walked in. Jason “told Jacob to leave the stuff there and for both of us to leave the house.”

² The “Defense Case” portion of our factual summary is taken from appellant’s testimony.

Appellant did so. He walked over to Jacob's residence, but when Jacob entered his mobile home through a window, appellant left to go his friend's house, three doors away.

DISCUSSION

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

DISPOSITION

The judgment is affirmed.