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

In re DAVID G., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID G.,

Defendant and Appellant.

F064676

(Super. Ct. No. JJD065508)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Juliet L. Boccone, Judge.

Robert McLaughlin, 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 Kane, Acting P.J., Poochigian, J., and Franson, J.

INTRODUCTION

Appellant, David G., was charged on June 13, 2011, in a petition filed pursuant to Welfare and Institutions Code section 602 with a misdemeanor count of delaying, resisting, or obstructing a peace officer (Pen. Code, § 148, subd. (a)(1)).¹ On July 15, 2011, a new petition was filed alleging the section 148, subdivision (a)(1) allegation from the original petition as count 3, and further alleging that appellant committed second degree commercial burglary, a felony (§ 459, count 1) and misdemeanor vandalism (§ 594, subd. (a), count 2).² On July 21, 2011, appellant waived his rights and admitted counts 1 and 3. Count 2 was dismissed.

On August 4, 2011, the juvenile court found count 1 to be a felony, declared appellant a ward of the court, placed him on probation, ordered him to perform 20 hours of community service, released him into his mother's custody on a monitor, and set his maximum period of confinement at three years four months with 22 days of custody credits.

On September 19, 2011, the probation department filed a notice that appellant violated his probation by failing to follow his mother's instructions, not obeying curfew, failing to attend school, and failing to abide by the rules of the electronic monitoring program. On September 20, 2011, appellant waived his rights to a contested hearing and admitted that he failed to attend school and to abide by the rules of the electronic monitoring program. On October 4, 2011, the court committed appellant to the Tulare County Youth Treatment Center Unit (youth treatment center) under supervised probation for 90 to 180 days.

¹ All further statutory references are to the Penal Code.

² The original petition was dismissed.

On February 17, 2012, a new notice of probation violation was filed alleging that appellant failed to follow the directives of the youth treatment center. On February 21, 2012, appellant waived his rights and admitted the allegation. On March 7, 2012, the juvenile court continued appellant as a ward of the court and committed him to the youth treatment center for a period of 90 to 180 days with 203 days of custody credits. Appellant filed a timely notice of appeal.

FACTS

Appellant received consistently negative disciplinary reports while in the youth treatment center between early November 2011 and mid-February 2012. Appellant used gang terminology, cussed at guards and other detainees, threatened to kill himself on multiple occasions, would not follow the instructions or directives of staff, and called staff derogatory names. Twice in February 2012 appellant failed to comply with a cover command. On February 10, 2012, appellant jumped another detainee and pepper spray had to be applied to get appellant to comply with staff directions.

APPELLATE COURT REVIEW

Appellant's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that appellant was advised he could file his own brief with this court. By letter on August 9, 2012, we invited appellant to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The orders of the juvenile court are affirmed.