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

In re SERGIO R., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

SERGIO R.,

Defendant and Appellant.

F065351

(Super. Ct. No. 512815)

OPINION

THE COURT*

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

Dawn M. Schock, 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., Poochigian, J. and Franson, J.

It was alleged in a juvenile wardship petition filed May 4, 2012,¹ that appellant, Sergio R., a minor, committed felony unlawful driving or taking of vehicle in violation of Vehicle Code section 10851, subdivision (a) (section 10851(a)). On May 14, appellant admitted the allegation.

In a second wardship petition filed on May 7, it was alleged appellant possessed a vehicle key with the intent to use it in the commission of an unlawful act, a misdemeanor (Pen. Code, § 466.7) and another violation of section 10851(a). On May 23, the petition was amended to allege the latter offense as a misdemeanor, and appellant admitted both allegations.

Also on May 23, a third wardship petition was filed. In that petition it was alleged appellant committed felony assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4)) and resisting, delaying or obstructing a peace officer (Pen. Code, § 148, subd. (a)(1)), a misdemeanor. On June 25, at a jurisdiction hearing, the court found both allegations true.

On August 21, at a disposition hearing covering all three petitions, the court declared the section 10851(a) violation alleged in the first petition to be a felony, the section 10851(a) violation alleged in the second petition to be a misdemeanor, and the aggravated assault alleged in the third petition to be a misdemeanor; readjudged appellant a ward of the court; ordered he serve 270 days in juvenile hall, with 112 days' credit; and continued him on probation.

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.

¹ Except as otherwise indicated, all references to dates of events are to dates in 2012.

FACTS

May 4 Petition

The Dispositional Social Study (DSS), filed July 13, states the following: “[Appellant] was observed driving a vehicle that was reported stolen. [He] was detained and [he] indicated he was not given permission to occupy or drive the vehicle.”

May 7 Petition

The DSS states the following: In San Jose, police officers observed appellant driving a car with a “non functioning tail light.” The officers “initiated a traffic stop,” but appellant “made a few quick left turns and eventually parked the vehicle and tried to walk away.” The officers apprehended appellant near the vehicle and, upon contacting the vehicle’s owner, learned the vehicle had been stolen. Appellant “admitted under Miranda to driving the vehicle.”

May 23 Petition

Stanislaus County Probation Corrections Officer Matthew Ford testified he was on duty in juvenile hall on the evening of May 14, when, appellant, who had been allowed out of his room to get some Tylenol and was on his way back to his room, ran up to another minor, who was seated, and “began throwing punches,” striking the victim on the side of the head.

Officer Ford further testified to the following: He “issued the cover command.” Minors hearing this command are required “to get down on the floor” Appellant however, failed to comply, so Ford grabbed him by his ponytail and forced him to the ground, where appellant continued to struggle. Other officers soon arrived on the scene, and, along with Ford, were able to subdue appellant.

A video depicting the events described above was played in open court and admitted into evidence.

The parties stipulated that a medical report “indicates that there were zero lacerations to the victim, no injuries to the victim, and the victim denied any pain.”

DISCUSSION

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

DISPOSITION

The judgment is affirmed.