

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

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

THE PEOPLE,

Plaintiff and Respondent,

v.

J.C.,

Defendant and Appellant.

F065383

(Super. Ct. No. JJD066098)

OPINION

THE COURT*

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

Michael L. Pinkerton, under appointment by the Court of Appeal, for Defendant and Appellant.

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

-ooOoo-

* Before Kane, Acting P.J., Poochigian, J., and Detjen, J.

At a jurisdiction hearing, the juvenile court found true allegations set forth in a juvenile wardship petition that appellant, J.C., a minor, committed assault with a deadly weapon and by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)), and that in committing that offense he personally inflicted great bodily injury (Pen. Code, § 12022.7, subd. (a)). At the subsequent disposition hearing, the court adjudged appellant a ward of the court, placed him on probation with various terms and conditions and ordered that he serve 90 to 180 days in the Tulare County Youth Treatment Center.

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

Petitioner's Case

At approximately 3:25 p.m. on March 13, 2012 (March 13), 16-year-old I.M. (I.) was walking to track practice at Tulare Western High School (the high school) with her boyfriend, J.M. (J.), when I. saw appellant and approximately six of his friends, riding bicycles.¹ I. and J. crossed the street and walked toward the gate of the school, at which point appellant called out insults to J. J. responded by telling appellant to "shut up," and appellant and his companions stopped their bicycles.

Appellant, who was across the street from I. and J., got off his bicycle and began walking straight toward I. and J., moving quickly and in an aggressive manner. His friends followed. As appellant walked, he put on a pair of white gloves. I. tried to pull J.

¹ Except as otherwise indicated, our factual statement is taken from I.'s testimony.

away, but appellant and his friends formed a circle around I. and J. I. testified to the following: As appellant and J. “stood in front of each other,” appellant struck J. “around the rib area.” J. doubled over, at which point, appellant “picked [J.] up” and “slammed” him to the sidewalk. J.’s shoulders struck the sidewalk first. As he lay on the ground, his whole body began twitching.

Tim Cota testified that on March 13, he was parked and sitting in his truck near the high school, watching his son’s baseball practice, when he saw the following: “Some kids” riding bicycles stopped near “another kid [first boy] and his girl.” One of the bicycle riders [second boy] dismounted. “He kind of got the other kid’s attention It looked like [they were] just talking and next thing you know, [the second boy] just picked ... up [the first boy] and threw him down.” The first boy “landed head-first.” His “forehead hit the ground first.” While lying on the ground, he “looked like he was having a seizure. He was shaking all over.” Prior to the attack, he did not “raise his hands” or punch his attacker.

City of Tulare Police Officer Luis Jaramillo testified to the following: At approximately 3:30 p.m. on March 13, responding to a dispatch report, he went to a location in Tulare where, upon his arrival he found J. lying on his side, shaking and moaning. He was not coherent, and he was unable to answer any questions. An ambulance transported him from the scene.

J. testified he remembered nothing after the point appellant approached him.

Defense Case

Appellant testified to the following. He is in the 11th grade. One day in March 2012, he was riding his bicycle with a group of friends on the grounds of the high school when he saw J. and his girlfriend. He and J. “were looking at each other,” at which point J. asked appellant what he was “looking at[.]” Appellant then called J. a “pussy,” and J. “told [appellant] to shut the F up.”

At that point appellant “turned around” and saw J. hand his cell phone and keys to his girlfriend. She was trying to hold J., but he “broke away.” Appellant became “scared” because “a few days” earlier, J. “tried to fight [appellant] for no reason ...” Concerned that J. would “attack [him] from behind,” appellant “put on the gloves and started walking towards him.”

J. broke away from his girlfriend, and he and appellant “met face-to-face,” at which point J. punched appellant. Appellant punched him back, but J. “kept coming” so appellant “slammed him.” Appellant thought he would hurt J. more if he “kept punching him.”

DISCUSSION

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

DISPOSITION

The judgment is affirmed.