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

In re ANTONIO E., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO E.,

Defendant and Appellant.

F066568

(Super. Ct. No. JL003699)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Merced County. David W. Moranda, Judge.

Kristen Owen, 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 Cornell, Acting P.J., Gomes, J., and Detjen, J.

INTRODUCTION

Antonio E., appellant, was charged in a petition pursuant to Welfare and Institutions Code section 602 with a misdemeanor count of resisting arrest (Pen Code, § 148, subd. (a)(1)). After a contested jurisdiction hearing on December 12, 2012, the juvenile court found the allegation to be true beyond a reasonable doubt.

At the disposition hearing on January 9, 2013, the juvenile court placed appellant on probation for six months upon various terms and conditions including that he complete 24 hours of a juvenile work program or other qualifying community service. Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

FACTS

On December 4, 2011, Officer Jose Torres was assisting Officer Haywood as Haywood was taking appellant's brother into custody after an incident that occurred in front of the Atwater Police Department. Appellant charged the officers. Torres told appellant to stop and get back. Haywood had been injured and there was a safety issue. When appellant did not stay back, Torres "snap kicked" him. Appellant shifted backward and Torres told him he was under arrest.

Torres instructed appellant to place his hands behind his back several times, but appellant did not comply. Another female family member began to interfere, but Torres told her to back off. Torres had no assistance arresting appellant because Haywood and another officer were still dealing with appellant's brother. Appellant did not go to the ground until Torres employed his taser to appellant's back.

Appellant testified that he saw his brother get punched in the face by Haywood, he walked over, and asked what was going on. Torres then snap kicked appellant. Appellant said he backed away and placed his hands over his head. Torres grabbed appellant's hands, placed them behind appellant's back, and told appellant he was under

arrest. According to appellant, Torres did not give him a chance to get back before tasing him.

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. (*Wende, supra*, 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 March 18, 2013, 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 judgment is affirmed.