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

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

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID R.,

Defendant and Appellant.

F066636

(Super. Ct. No. JJD065952)

OPINION

THE COURT*

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

Stephanie L. Gunther, 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 Kane, J.

The court found that appellant, David R., was a minor described in Welfare and Institutions Code section 602 after David admitted allegations charging him with battery (Pen. Code, § 242). Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

FACTUAL AND PROCEDURAL HISTORY

On January 3, 2013, David was serving a commitment to the Tulare County Youth Facility. At approximately 7:45 a.m., David ran up to R.F. in a dorm, began striking him in the face with his fists, and got on top of him. An officer who observed the assault radioed for assistance and called out the “cover” command. As the other minors went into the cover position, David continued striking the victim in the back of the head. David was sprayed with pepper spray, but continued striking the victim until he was handcuffed.

Shortly before the assault, David had received a write up for pushing and hitting another minor and for throwing clothes around in his dorm. David told a probation officer he decided to assault R.F. because he believed he would be violated and “get a program restart anyway” for receiving the write up.

On January 8, 2013, the district attorney filed a petition charging David with battery.

On January 9, 2013, David admitted the battery charge.

On January 24, 2013, the court set David’s maximum term of confinement at one year eight months and it committed him to the Tulare County Youth Facility for 365 days.

David’s appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) David has not responded to this court’s invitation to submit additional briefing.

Following an independent review of the record we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.