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

In re JOSE V., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE V.

Defendant and Appellant.

F067925

(Super. Ct. No. JL004344)

OPINION

THE COURT*

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

Courtney M. Selan, 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., Poochigian, J., and LaPorte, J.†

† Judge of the Superior Court of Kings County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

INTRODUCTION

On July 2, 2013, a petition was filed pursuant to Welfare and Institutions Code section 602 alleging that appellant, Jose V., feloniously carried a loaded firearm in public (Pen. Code, § 25850, subd. (a), count 1),¹ feloniously carried a concealed firearm on his person (§ 25400, subd. (a)(2), count 2), misdemeanor possession of ammunition by a minor (§ 29650, count 3), and violation of his probation (Welf. & Inst. Code, § 777, subd. (a), count 4).

On July 25, 2013, defense counsel filed a suppression motion. On August 1, 2013, the juvenile court conducted a hearing on the suppression motion. The jurisdiction hearing was conducted on the same day. The juvenile court denied the suppression motion, thereafter found all four counts true, and found counts 1 and 2 to be felonies.²

At the disposition hearing on August 15, 2013, appellant was continued as a ward of the court, ordered to the BCA Short Term Program, ordered to pay various fines and fees, and awarded 59 days of custody credit. Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

FACTS

Armando Rocha was a security guard at the Merced Mall on June 28, 2013. In the late morning, a mall customer saw appellant carrying a firearm in the waistband of his pants. The customer reported this to a janitor who in turn reported the sighting to the mall office. Rocha was eventually contacted. With a description of appellant, Rocha trained a security camera on him and called 911 to summon the police. Rocha did not see the gun from the security camera until police arrived.

¹ Unless otherwise noted, all statutory references are to the Penal Code.

² Appellant waived his constitutional rights concerning the violation of probation alleged in count 4 and admitted the allegation.

Merced Police Officers Keith Rieg and Bernard Dalia were given the description of appellant and his location in the mall. They were also informed that appellant was carrying a gun in his waistband. Rieg and Dalia located appellant and appellant's friends, who were seated at McDonald's. Appellant and his companions were ordered to put their hands on the table. As Dalia approached from behind appellant, Rieg and Dalia could see the handle of the gun sticking out from appellant's waistband. Rieg detained appellant and Dalia put handcuffs on appellant and arrested him. Another officer took over the case.

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.) By letter on November 13, 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.