

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 MIKAYLA R., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

MIKAYLA R.,

Defendant and Appellant.

F070472

(Super. Ct. No. JJD067195)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Michael B. Sheltzer, Judge.

Karriem Baker, 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 Levy, Acting P.J., Detjen, J. and Peña, J.

INTRODUCTION

On October 28, 2014, defendant Mikayla R. was placed in an in-patient drug treatment program for 90 days after the juvenile court found true allegations she possessed and was under the influence of a controlled substance. Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm the orders of the juvenile court.

FACTS AND PROCEEDINGS

On June 5, 2014, defendant, then 17 years old, was charged in a petition filed pursuant to Welfare and Institutions Code section 602 with felony possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)) and being under the influence of a controlled substance, a misdemeanor (*id.*, § 11550, subd. (a)). Defendant had prior adjudications for felony purchase or receipt of a stolen vehicle (Pen. Code, § 496d), and misdemeanor adjudications for vandalism (*id.*, § 594, subd. (a)) and being under the influence of a controlled substance. She was on deferred entry of judgment for those offenses.

The juvenile court presided over a contested jurisdictional hearing on the new allegations on August 7, 2014. On April 22, 2014, Officer Joe Echevarria was dispatched to defendant's residence to conduct a probation search after police received numerous calls of drug activity at the residence.¹ A baggie containing a white powdery substance, suspected methamphetamine, was found in the residence.

Echevarria went to an outside room detached from the residence by 10 feet. After he knocked on the door, Echevarria heard shuffling, voices, and a lot of movement inside the room that went on for several minutes. A male answered the door and Echevarria asked him to step outside. Echevarria asked defendant, who was also inside the room, to step outside as well. Defendant was initially uncooperative and displayed the signs and symptoms of someone under the influence of a stimulant. In plain view from the

¹The probation search was conducted on a woman named Roxanne who told officers she was on probation.

doorway into the room, Echevarria could see a broken glass pipe used to smoke methamphetamine and a clear baggie containing a white powdery substance.

Defendant was taken to a hospital to have her blood drawn. Defendant's blood sample tested positive for the presence of amphetamine and methamphetamine. The white powdery substance in the baggies seized at the residence tested positive for methamphetamine.

Defendant testified she went to the residence to smoke methamphetamine and did not have methamphetamine with her when she did so. The methamphetamine was already in the room when defendant arrived.

APPELLATE COURT REVIEW

Defendant'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. (*People v. Wende, supra*, 25 Cal.3d 436.) By letter on March 16, 2015, we invited defendant to submit additional briefing. To date, she has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The orders of the juvenile court are affirmed.