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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

ARMANDO R.,

Defendant and Appellant.

G047093

(Super. Ct. No. DL040190)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Deborah J. Servino, Judge. Affirmed.

Rex Williams, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This is an appeal from a juvenile adjudication and disposition in a Welfare and Institutions Code section 602 case. (Welf. & Inst. Code, § 800, subd. (a).)

Following denial of his motion to suppress (Welf. & Inst. Code, § 700.1) Armando R. (minor) admitted three counts of indecent exposure (Pen. Code, § 314, subd. (1)) and one count of petty theft (Pen. Code, §§ 484, subd. (a) and 488). The factual basis for his admission states: “On 12/14/10 in Orange County, I did willfully and unlawfully steal the property of Ross Stores. On 3/31/11, 2/14/11 and 2/10/11 in Orange County, I did willfully, lewdly, and unlawfully expose my penis in a public place where other persons were present and annoyed thereby.”

The court declared minor a ward and placed him on supervised probation. The terms of probation include, among other things, that minor pay a restitution fine of \$50 and complete eight days on the community work program.

We appointed counsel to represent minor in this appeal. Counsel filed a brief setting forth the facts of the offenses and the disposition. He did not argue against minor but advised the court he had not found any issues to present on minor’s behalf. (*People v. Wende* (1979) 25 Cal.3d 436.) Under *Anders v. State of California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], he suggested one issue to assist in our independent review of the record: Did the trial court err by denying minor’s motion to suppress?

Minor moved to suppress all observations of law enforcement, statements of minor and physical evidence obtained following the “illegal detention” of minor. The only witness called at the hearing was Santa Ana Police Officer Nicole Quijas. Quijas testified that on March 31, 2011, she received a dispatch call regarding a juvenile with longer black hair, wearing a black T-shirt and blue shorts and with a brown Chihuahua dog, masturbating in the area of 17th Street in Santa Ana. In response to that dispatch call, Quijas and other officers, including Santa Ana Police Officer Lee conducted an area search. Minor was initially contacted and detained by Lee.

About five minutes later Quijas saw minor with Lee and minor was wearing a black T-shirt and black jeans. Minor had longer black hair, a little above the shoulder and was with a brown Chihuahua. After Quijas advised minor of his rights under *Miranda v. State of Arizona* (1966) 384 U.S. 436 [86 S.Ct. 1601, 16 L.Ed.2d 694], minor told Quijas he had exposed his penis in public and that he had done so in the past. Minor was arrested, transported to the police station and again advised of his *Miranda* rights. At the station, minor admitted he was exposing his penis and masturbating that day, and that he had done so in the past while walking his dog.

At the motion to suppress hearing, minor's trial counsel argued the prosecution had brought the wrong officer to court and Quijas was just speculating about the facts and circumstances surrounding the detention of minor by Lee prior to the arrival of Quijas. The prosecution argued Quijas could also be categorized as the detention officer in light of her contact with minor within minutes of Lee's contact with minor.

The court denied the motion to suppress and specifically found "there were facts which, when viewed objectively, would cause a reasonable officer to suspect that criminal activity was afoot so as to justify detaining the minor in this case."

We find no error in this ruling. Lee was conducting an area search in response to a dispatch call regarding a male juvenile masturbating in that area, which included a detailed description of the suspect. That description afforded a sufficient objective basis for detaining minor under the totality of the circumstances. "The ultimate question is whether the description affords a sufficient basis for 'selective investigation procedures,' vis-à-vis a universe made up of all persons within fleeing distance of the crime in question. . . ." (*People v. Fields* (1984) 159 Cal.App.3d 555, 565.)

We have examined the entire record to determine if any arguable issues were present, including that suggested by counsel, and found none. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-442; *People v. Johnson* (1981) 123 Cal.App.3d 106, 111-

112.) Minor was given 30 days to file written argument in his own behalf. That period has passed, and we have received no communication from him.

The judgment is affirmed.

THOMPSON, J.

WE CONCUR:

MOORE, ACTING P. J.

ARONSON, J.