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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re J.T., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. J.T., Defendant and Appellant.	G047624 (Super. Ct. No. DL036715-003) O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Jane L. Shade, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Patrick J. Hennessey, Jr., under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Barry Carlton and Heather M. Clark, Deputy Attorneys General, for Plaintiff and Respondent.

* * *

Minor J.T. challenges the sufficiency of the evidence to support the juvenile court's finding he committed second degree robbery. For the reasons expressed below, we affirm.

I

FACTUAL AND PROCEDURAL BACKGROUND

A juvenile court petition (Welf. & Inst. Code, § 602) filed February 22, 2012, alleged minor J.T. (born in July 1994) committed second degree robbery against Hugo G. on October 5, 2011. At trial in October 2012, Hugo G. testified that around 6:00 p.m. on a rainy October 5, 2011, he exited a bus near First and Bristol Streets in Santa Ana and walked east. He noticed two men walking behind him. After a few blocks, the men came up alongside him and the younger of the two said, "Give me your stuff." Hugo ignored him, but the younger man pulled on the gold chain Hugo wore around his neck. The clasp broke as they struggled over the chain. The assailant called to his companion, "Sam, help me out." "Sam" punched Hugo in the eye, and Hugo released his grasp on the chain. The men fled with the broken chain. At some point during the incident, the younger man removed his gray sweatshirt. Hugo called 911 but did not provide a description of his assailants. Police officers responded to the scene. A few months later, an officer showed Hugo several sets of photos. He identified minor's photo as "look[ing] similar" to the younger man although he "was not too sure." He could not identify minor in court.

Detective Adrian Silva testified that in February 2012 he compiled a six-pack photographic lineup and showed it to Hugo. Hugo circled minor's picture as

looking "similar" to the robber. The next day, Silva arrested minor and interviewed him at the police station. Silva asked about the October 5 incident, and minor stated he and a friend named Sam were on the same bus as Hugo, and hatched a plan to steal his chain. Minor had difficulty seizing the chain because Hugo grabbed his arm and collar. Minor admitted he abandoned his torn sweatshirt at the scene. Sam eventually sold the chain for several hundred dollars at a pawnshop, but did not share the proceeds with minor.

The juvenile court denied minor's motion to dismiss for insufficient evidence (Welf. & Inst. Code, § 701.1 [juvenile court shall order the petition dismissed at close of petitioner's case if upon weighing the evidence court finds minor is not a person described by Welf. & Inst. Code, § 602]) and found the allegations of the petition true beyond a reasonable doubt. The court continued minor as a ward of the court on supervised probation and directed him to serve 245 days in custody, with credit for time served.[1] The court directed him to pay a restitution fine of $100 and victim restitution as set by the probation department.

II

DISCUSSION

Minor argues the People failed to prove the truth of the allegation beyond a reasonable doubt: "[T]he victim was unable to identify [minor] in court at the time of trial. [Hugo's] previous identification, based upon the photo lineup, was limited to his conclusion that the person selected was 'similar' to the individual with whom he had struggled over the necklace. Additionally, while there was a sweatshirt at the scene which the victim stated belonged to his assailant, there was no evidence that the minor ever owned such a sweatshirt. While appellant's admission[s] to the investigating officer

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[1] This was minor's third petition. In an earlier opinion, we upheld the juvenile court's findings minor committed vandalism in November 2009, and possessed a dirk or dagger at school in May 2010, but reversed the court's gang findings. (*In re J.T.* (Feb. 22, 2012), G044426 [nonpub. opn.].)

may establish his presence at the scene they do not establish beyond a reasonable doubt his involvement in the crime. The People failed to prove the crime beyond a reasonable doubt because the victim was unable to identify appellant to a degree warranting confidence in his identification as a responsible party."

The substantial evidence rule governs our review of a challenge to the sufficiency of the evidence supporting the juvenile court's finding minor committed robbery. (*In re Andrew I.* (1991) 230 Cal.App.3d 572, 577.) We review the entire record in the light most favorable to the order "'to determine whether it discloses substantial evidence—that is, evidence which is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the minor guilty beyond a reasonable doubt.'" (*Ibid.*) The fact the circumstances could be reconciled with a contrary finding does not warrant reversal of the judgment. (*People v. Bean* (1988) 46 Cal.3d 919, 932-933.) Consequently, an appellant "bears an enormous burden" when challenging the sufficiency of the evidence. (*People v. Sanchez* (2003) 113 Cal.App.4th 325, 330.)

Here, Hugo's testimony established he was the victim of a second degree robbery. (Pen. Code, §§ 211 [defining robbery as the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear]; 212.5, subd. (c) [describing degrees of robbery].) Hugo's pretrial identification of minor's photograph as looking "similar" to one of the assailants, and minor's admissions to Detective Silva, constituted ample evidence to identify minor as the person who robbed Hugo on October 5, 2011. Minor concedes the corpus delicti rule does not require evidence of his identity. (*People v. Ledesma* (2006) 39 Cal.4th 641, 721; *People v. Alvarez* (2002) 27 Cal.4th 1161, 1165, 1181 [rule requires evidence independent of defendant's statements of every physical act constituting an element of an offense; rule exists to prevent conviction for a nonexistent crime based solely on a person's untested confession].) Substantial evidence supports the juvenile court's finding the minor committed robbery.

III

DISPOSITION

The judgment is affirmed.

ARONSON, J.

WE CONCUR:

O'LEARY, P. J.

BEDSWORTH, J.