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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re MARY M., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

MARY M., a Minor,

Defendant and Appellant.

G048133

(Super. Ct. No. DL043542)

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.

John Derrick, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

We appointed counsel to represent Mary M., a minor, on appeal. Counsel filed a brief that set forth the facts of the case. Counsel did not argue against his client but advised the court no issues were found to argue on her behalf. Counsel did not provide the court with information as to issues that might arguably support an appeal but asked this court to independently review the record. Mary was granted 30 days to file a supplemental brief. That time has passed and no supplemental brief has been filed. We have independently examined the record. We found no arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) The judgment is affirmed.

FACTS

In May 2012, Franz Prosper, a loss prevention manager at Sears in Buena Park, noticed Mary and another girl sitting in the footwear department. Each of the girls had a backpack. The girls were trying on shoes, leaving various discarded shoes lying around the floor. After leaving the footwear department, the girls went to the fragrance department. Mary selected an item and went into the fitting room. A second Sears security person, Richard De La Torre, watched Mary on a closed-circuit television system and saw Mary take some clothes with her as she entered the fitting room. After Mary left the fitting room, Prosper looked inside and saw discarded packages and tags. He then saw Mary pass by staffed cash registers and exit the store.

Once Mary was outside the store, Prosper approached her and identified himself. He asked Mary “to return the unpaid merchandise,” which she agreed to do. She then accompanied him back to the store. The merchandise Mary handed back matched the empty packages and tags that Prosper found in the fitting room. Mary told De La Torre she had stolen the items because she did not have any money.

In October 2012, the district attorney filed a petition to have Mary declared a ward of court pursuant to Welfare and Institutions Code section 602. The petition contained one count alleging a misdemeanor petty theft, in violation of Penal Code sections 484, subdivision (a), and 488.

A pre-trial report indicated Mary said she wanted the perfume, but could not pay for it. Mary also admitted she had been suspended from school for fighting, she brought a box cutter to school, and she had tried marijuana and alcohol. The pre-trial report also contained statements from Mary's mother. Mary's mother stated she was upset by her daughter's involvement in the offense. She had tried to place restrictions on Mary, but Mary would not listen. She left the house without permission and refused to turn over her cellular telephone when directed to do so by her mother. Mary's mother also reported Mary had run away from home in March 2012 and stayed with friends for three days before returning home.

In February 2013, a trial took place in juvenile court. The court found the allegation of the petition true beyond a reasonable doubt. Mary requested an immediate disposition. Mary expressed remorse for her actions and told the court she would not engage in similar behavior in the future. The court declared Mary a ward of the court and placed her on supervised probation under standard terms and conditions. Conditions of probation also included 40 hours of community service, restitution as directed by the probation department, and a \$50 restitution fine. The court ordered Mary to submit her person, residence, and property to search and seizure by any peace or probation officer or school official at any time of the day or night, with or without a warrant. Additionally, Mary was ordered to submit to alcohol and drug testing as directed by the court, probation, or a peace officer.

DISCUSSION

“In assessing a claim of insufficiency of the evidence, our ‘task is to review the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.’ [Citations.]” (*In re Kelly W.* (2002) 95 Cal.App.4th 468, 471-472.) Here, in addition to the observations made by security personnel, Mary admitted the theft.

Clearly, the record contains sufficient evidence to support the juvenile court's finding beyond a reasonable doubt.

A juvenile court has broad discretion in selecting and imposing probation conditions for the purpose of rehabilitating a minor. (*In re Josh W.* (1997) 55 Cal.App.4th 1, 5.) We review the trial court's imposition of conditions of probation for abuse of discretion. (*People v. Olguin* (2008) 45 Cal.4th 375, 379.) Because of the rehabilitative function of the juvenile court, a probation condition that might be improper or unconstitutional as to an adult, may nevertheless be permissible as to a ward of the court. (*In re Sheena K.* (2007) 40 Cal.4th 875, 889.) Reviewing the probation conditions in light of the circumstances of the offense, Mary's admissions, and Mary's conduct as reported by her mother, we find the juvenile court did not abuse its discretion in imposing the probation conditions.

DISPOSITON

The judgment is affirmed.

O'LEARY, P. J.

WE CONCUR:

RYLAARSDAM, J.

FYBEL, J.