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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re JAMES G., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES G.,

Defendant and Appellant.

G051580

(Super. Ct. No. DL048243)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Lewis W.
Clapp, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

Appellant James G. was tried for assault with a deadly weapon (Pen. Code,¹ § 245). The trial court found he had committed the offense, but reduced it from a felony to a misdemeanor. James G. appealed, and we appointed counsel to represent him. Counsel reviewed the record and informed us he could find no arguable legal error he could ethically argue on behalf of his client. (*People v. Wende* (1979) 25 Cal.3d 436.) He did not argue against his client; he merely informed us he could not find an arguable error and invited us to review the record for one.

We informed appellant he had 30 days to file written argument in his own behalf. No such communication was filed. We have reviewed the record of appellant's trial and find ourselves in agreement with his appellate counsel: There is no arguable error in the proceedings against appellant. We therefore affirm.

STATEMENT OF FACTS

Appellant came into his mother's bedroom one afternoon (she works nights so was asleep) and woke her by talking loudly. She told him to be quiet and let her sleep. He became agitated and threw a bowl at her. The bowl hit her in the back of the head.

DISCUSSION

From this statement of facts, it is immediately apparent there are not many available avenues of appeal. Trial counsel tried valiantly, first arguing there was no evidence the offense took place in Orange County and then that the evidence was insufficient to indicate the bowl was thrown hard enough to be dangerous.

The first argument failed because testimony from a police officer called to the scene had established that the crime took place in Costa Mesa. So even though appellant's mother was not asked that question, the evidence was in the record.

The trial court cogently analyzed the defense argument about the amount of force employed in throwing the bowl, but pointed out that the bowl weighed more than a

¹ All further statutory references are to the Penal Code.

pound and concluded there was enough evidence to constitute a violation of section 245. He rejected the defense argument that since appellant's mother turned her head when she saw that he was about to throw the bowl, it could have been "politely thrown." He did reduce the charge to a misdemeanor, but found the evidence sufficient to support a section 245 charge.

Our review of a substantiality of the evidence issue is very limited. Unless there is no substantial evidence whatsoever, we cannot reverse. We are not allowed to reweigh the evidence. And we cannot quarrel here with the trial court's conclusion that throwing a one-pound bowl at someone from 3-4 feet away constitutes conduct described by section 245.

Because the case had a rather torturous pretrial history, we have reviewed it for procedural error prior to trial, but the trial judge seems to have handled the case carefully and appropriately. We have found no issue we consider viable.

The judgment is affirmed.

BEDSWORTH, ACTING P. J.

WE CONCUR:

RYLAARSDAM, J.

IKOLA, J.