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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

F.R.,

Defendant and Appellant.

G052481

(Super. Ct. No. DL050439)

O P I N I O N

Appeal from orders of the Superior Court of Orange County, Julian W. Bailey, Judge; and Donna L. Crandall, Judge (Retired judge of the Orange Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.). Affirmed.

Gerald J. Miller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

After an arrest for possessing a weapon on school grounds (Pen. Code, § 626.10, subd. (a)(1)), 14-year-old F.R. entered into an informal probation contract (Welf. & Inst. Code, § 654.2) without admitting the allegations after the juvenile court advised him it would continue the case for six months and, if F.R. complied with specified probation conditions, the court would dismiss the case, seal the records, and the arrest would be deemed never to have occurred. F.R. successfully completed his probation, the court dismissed the petition and ordered its records sealed, but declined to issue an order declaring the arrest never occurred.

F.R. appealed, and his appointed counsel filed a brief under the procedures outlined in *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Counsel summarized the facts and procedural history of the case, but raised no specific issues, and asked this court to review the record to determine whether there were any arguable matters. Counsel did not argue against his client or offer an opinion on the merits of the appeal. After reviewing the record, counsel advised F.R. he would file a *Wende* brief, and provided him with a copy of the brief. Counsel also advised F.R. he could personally file a supplemental brief on his own behalf raising any issues he believed worthy of consideration. He informed F.R. he could ask the court to relieve him as counsel. We gave F.R. 30 days to file a supplemental brief, but he neither filed a supplemental brief, nor requested to have appellate counsel relieved. Because our review of the record has uncovered no arguable issues, and we affirm the orders.

I

FACTUAL AND PROCEDURAL BACKGROUND

In February 2015, the Orange County District Attorney filed a petition (Welf. & Inst. Code, § 602) alleging 14-year-old F.R. possessed a weapon on school grounds (Pen. Code, § 626.10, subd. (a)(1)). On February 26, 2015, F.R. entered into an informal probation contract (Welf. & Inst. Code, § 654.2) without admitting the

allegations. The juvenile court advised F.R. it would continue the case for six months and if F.R. complied with specified probation conditions, the court would dismiss the case, seal the records, and the arrest would be deemed never to have occurred.

In advance of a progress review on May 26, 2015, the probation officer reported F.R. tested positive for morphine on February 26, and positive for THC (marijuana) on April 16 and April 30. F.R. had otherwise complied with the terms of his probation. On May 26, the court advised F.R. if he continued to use drugs he would lose the benefits of informal probation. The court ordered F.R. to drug test on May 26, and twice more by August 26.

In advance of the August hearing, the probation officer reported F.R. provided clean drug tests and had complied with his probation terms. The probation officer recommended dismissing the petition and terminating all further proceedings. At the hearing on August 26, 2015, the prosecutor agreed to dismiss the petition, but objected to sealing the records as outside “the plain language of the statute.” The court dismissed the petition, terminated the proceedings, ordered its records sealed, but declined to order the arrest never occurred.

II

DISCUSSION

Following *Wende* guidelines, we have reviewed counsel’s brief and the appellate record and discern no arguable issue. F.R. has not availed himself of the opportunity to file a supplemental brief (*People v. Kelly* (2006) 40 Cal.4th 106, 111 [appellate court must address issues raised personally by appellant in a *Wende* proceeding]), nor has he requested to have appellate counsel relieved. We therefore affirm the orders. (*Wende, supra*, 25 Cal.3d at p. 443.)

III

DISPOSITION

The orders are affirmed.

ARONSON, ACTING P. J.

WE CONCUR:

IKOLA, J.

THOMPSON, J.