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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

MARK M.,

Defendant and Appellant.

G053134

(Super. Ct. No. DL051284-001)

O P I N I O N

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

Trenton C. Packer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

The juvenile court adjudicated minor Mark M. (born in May 2002) to be a ward of the juvenile court (Welf. & Inst. Code, § 602) after finding he committed assault

with a deadly weapon (Pen. Code, § 245, subd. (a)(1); all statutory citations are to the Penal Code unless noted) and possessed mental knuckles (§ 21810). Minor 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 submitted a declaration stating he thoroughly reviewed the record. He advised minor he would be filing a *Wende* brief, he served a copy of the brief on minor, and advised minor he could personally file a supplemental opening brief raising any issues he chose to call to the court's attention. He sent a copy of the appellate record to minor to assist him in preparing a supplemental brief. He also advised minor he could request the court to relieve him as counsel. Counsel did not argue against his client or offer an opinion on the merits of the appeal. We notified minor counsel filed a *Wende* brief and gave him 30 days to file a supplemental brief, but he has not responded. We have reviewed the record, found no arguable issues, and therefore affirm the judgment.

FACTS AND PROCEDURAL HISTORY

In November 2015, the Orange County District Attorney filed a petition to declare minor a ward of the court based on his commission of felony assault with a deadly weapon and misdemeanor possession of metal knuckles. At the jurisdictional hearing, witnesses testified that on November 10, 2015, police officers dispersed a crowd of youths preparing to fight in a park. Minor and his brother started a fight with Alexis A. and another youth in an alley. Alexis suffered a lacerated lip, a facial bruise, and a laceration on his head, which required staples to close. Alexis saw and felt brass knuckles being used. Minor told a La Habra police officer Alexis argued with one of his friends and initiated the fight. Alexis struck minor first. Minor admitted using brass knuckles during the fight.

In February 2016, the juvenile court found the allegations of the petition true and declared minor to be a ward of the court. The court committed minor to juvenile hall for 45 days with credit for 13 days, but stayed the sentence pending successful completion of probation on various terms and conditions, including six days on the Juvenile Court Work Program.

DISCUSSION

Following *Wende* guidelines, we have reviewed counsel's brief and the appellate record and discern no arguable issue. This includes counsel's suggestion we consider whether the juvenile court abused its discretion in declining to reduce minor's aggravated assault offense to a misdemeanor under section 17, subdivision (b). (See Welf. & Inst. Code, § 702; *In re Manzy W.* (1997) 14 Cal.4th 1199, 1201.) Minor 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 judgment. (*Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The judgment is affirmed.

ARONSON, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

FYBEL, J.