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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

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

H040937
(Santa Clara County
Superior. Ct. No. 3-13-JV40400A)

THE PEOPLE,

Plaintiff and Respondent,

v.

R.N.,

Defendant and Appellant.

On March 6, 2014, the juvenile court adjudged R.N. a ward of court, placed him on probation in the custody of his mother, and ordered as a condition of probation that he serve 60 days on the electronic monitoring program.

R.N. has appealed. We appointed counsel to represent R.N. in this court. Counsel has briefed no issues, but requests that we review the record of the proceedings. (*People v. Wende* (1979) 25 Cal.3d 436.) Counsel attests that she advised R.N. of his right to file a supplemental brief in a timely manner. Furthermore, on December 2, 2014, we notified R.N. of his right to submit written argument on his own behalf within 30 days. R.N. has not filed a supplemental brief. We have reviewed the record and affirm the juvenile court's dispositional order.

Facts and Proceedings Below

For approximately one year, 20 year-old Ashley Kindred dated R.N. who was just over three and one-half years her junior. On November 8, 2013, Officer Margaret Leitz interviewed Ms. Kindred. During this interview, Ms. Kindred told Officer Leitz that on November 4, 2013, at 10:30 p.m. she had gone out with her girlfriends; when she returned R.N. was standing on the curb in front of her home. As she got out of her car, he screamed at her, accusing her of being with another boy. R.N. ran up to her and struck her with a closed fist five to 10 times on her face, arms, and back of her head. Ms. Kindred screamed for help and hoped that her mother or neighbors would hear her. Ms. Kindred showed the officer the bruises on her left eye and left bicep that occurred as a result of the incident.

After the incident, Ms. Kindred broke off her relationship with R.N. It was not until November 8, 2013, that she heard from him again. On that day he sent her text messages while she was with friends at Lake Cunningham Park in San Jose. The texts named the people that Ms. Kindred was with at the time, described the clothing she was wearing, and referred to her as a “ho” and a “slut.” When she returned to her car, Ms. Kindred discovered that her tires had been slashed. She telephoned R.N. to confront him about the tires; he told her to wait and see what would happen later that evening. She went to her car that evening and saw sugar in her gas tank and on the ground. R.N. told her that she deserved “it for being a slut[.]” Ms. Kindred told Officer Leitz that about two weeks prior to the November 4 incident, R.N. slapped her in the mouth, which caused a cut in her lower lip.¹

¹ Officer Leitz’s testimony was introduced at the contested jurisdictional hearing because Ms. Kindred recanted her story on the stand. She said she had lied to Officer Leitz. Even though she told the 911 operator that R.N. had hit her, she said she had lied when she called 911 because R.N. failed to return her calls and she wanted him to “get in trouble” and “think of [her].” She said that she asked for a restraining order because she “was just upset with him.” She testified she had not seen R.N. on November 4, 2013; and it was a girl named Sabrina that had slashed her tires, put sugar in her gas

As a result of these incidents, Officer Leitz obtained an emergency protective order for Ms. Kindred, at her request. Officer Leitz went to R.N.'s residence where a woman answered the door and stated that R.N. was not home. After telling the woman that she needed to talk to R.N. about a reported incident, R.N. came to the door.

On December 5, 2013, the Santa Clara County District Attorney filed a Welfare and Institutions Code section 602 petition (602 petition) alleging that R.N. violated Penal Code sections 242 and 243, subdivision (e) battery on a person with whom he had a dating relationship.

At the conclusion of the jurisdictional hearing, the court found the allegation in the 602 petition to be true. The court set a hearing date of March 6, 2014, for a contested disposition hearing.² The court ordered that R.N. have only peaceful contact with Ms. Kindred and issued a permanent restraining order.

At the disposition hearing, as noted, the court declared R.N. a ward of the court and placed him on probation in the custody of his mother. The court set R.N.'s maximum term of confinement at one year. The court ordered that R.N. pay a restitution fine of \$55 and a general fund fine plus penalty assessments totaling \$76. The court determined that R.N. and his mother had the present and near future ability to pay.

Our review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 has disclosed no reasonably arguable issues on appeal. The court's jurisdictional findings are supported by substantial evidence. Throughout all of these proceedings R.N. was represented by competent counsel. Competent counsel has represented R.N. in this appeal.

Disposition

The dispositional order is affirmed.

tank, and hit her in the face and arm with her right hand. She denied that R.N. sent her text messages. Ms. Kindred testified that she lied to Officer Leitz about R.N. hitting her on a previous occasion.)

² Ultimately, R.N. did not contest the disposition.

ELIA, J.

WE CONCUR:

RUSHING, P. J.

PREMO, J.