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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION EIGHT

In re MATTHEW S., a Person Coming
Under the Juvenile Court Law.

B244342

THE PEOPLE,

(Los Angeles County
Super. Ct. No. GJ29774)

Plaintiff and Respondent,

v.

MATTHEW S.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.
Robin Miller Sloan, Judge. Affirmed.

Holly Jackson, under appointment by the Court of Appeal, for Minor and
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney
General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Analee
J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

The juvenile court sustained a petition filed pursuant to Welfare and Institutions Code section 602 (section 602), alleging minor and appellant Matthew S. committed the crime of battery on school property (Pen. Code, § 243.2, subd. (a)). Appellant was placed home on probation. On appeal, appellant argues there was insufficient evidence to sustain the petition. We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

In March 2012, Matthew S. was a student at Alhambra High School. He had an altercation with Andrew Q. which led to the instant matter.

Prosecution Evidence

Andrew Q. was playing basketball with friends before a basketball fitness class started. Andrew saw appellant having an argument with two other students. While walking backwards away from the other two students, appellant bumped into Andrew. Andrew shoved appellant's shoulder to push him away. Appellant did not look at Andrew but continued his interaction with the other two students. A short while later, a teacher called roll, then told the students to walk around or play basketball. Appellant approached Andrew and said: "If you push me again, I will fuck you up." Andrew responded that he had done nothing, and it was appellant who had walked into him. Appellant punched Andrew in the mouth. The teacher called appellant over. Andrew's lip was "a bit" swollen.

Defense Evidence

Appellant testified on his own behalf. According to appellant, Andrew had often given appellant angry looks. On the day in question, appellant was playing basketball when he accidentally ran into Andrew. Appellant apologized, but Andrew turned around, looked at appellant, and gave appellant a hard push with two hands. Appellant stumbled backwards, then told Andrew, "Don't do that again." Andrew pushed him again. Andrew approached appellant with clenched fists. Appellant thought Andrew was going to hit him, so he swung first. Appellant did not actually hit Andrew. At that point, the teacher intervened. Appellant was afraid and was "not really thinking" when he swung at Andrew.

The juvenile court sustained the section 602 petition and placed appellant home on probation. Appellant timely appealed.

DISCUSSION

I. Substantial Evidence Supported the Juvenile Court Finding

Appellant's sole contention on appeal is that the evidence was insufficient to support a finding that he committed a battery.¹ "The same standard governs review of the sufficiency of evidence in adult criminal cases and juvenile cases: we review the whole record in the light most favorable to the judgment to decide whether substantial evidence supports the conviction, so that a reasonable fact finder could find guilt beyond a reasonable doubt. [Citations.]" (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 540.)

"A battery is any willful and unlawful use of force or violence upon the person of another." (Pen. Code, § 242.) At the hearing, Andrew Q. testified that he and appellant had a heated verbal exchange, then appellant punched him. "Unless it describes facts or events that are physically impossible or inherently improbable, the testimony of a single witness is sufficient to support a conviction." (*People v. Elliott* (2012) 53 Cal.4th 535, 585.) Andrew's testimony did not describe physically impossible or inherently improbable facts or events. His testimony provided evidence sufficient to support the court's finding that appellant committed a battery.

Appellant's arguments concern the credibility of Andrew's testimony, and other evidence that called Andrew's testimony into question. We do not reweigh the evidence on appeal. There is no indication in the record that Andrew's testimony was unreliable or faulty as a legal matter. " 'Conflicts and even testimony which is subject to justifiable suspicion do not justify the reversal of a judgment, for it is the exclusive province of the trial judge or jury to determine the credibility of a witness and the truth or falsity of the facts upon which a determination depends.' [Citation.]" (*Elliott, supra*, 53 Cal.4th at p. 585.)

¹ Appellant does not dispute that the incident occurred on school property.

Substantial evidence supported the juvenile court finding.

DISPOSITION

The judgment is affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.