

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re B.T.

B271290

THE PEOPLE,

(Los Angeles County
Super. Ct. No. VJ44159)

Plaintiff and Respondent,

v.

B.T.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Kevin Brown, Judge. Affirmed.

Law Offices of Esther R. Sorkin and Esther R. Sorkin,
under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

On July 29, 2014, following his admission that he had committed the felony crime of vandalism with more than \$400 in damages (Pen. Code, § 594, subd. (b)(1)), appellant B.T. was made a ward of the court and placed home on probation. (Welf. & Inst. Code, § 602.) One of the conditions of B.T.'s probation was that he remain "inside [his] residence when not in school, unless otherwise pre-approved by the probation officer." B.T. was outfitted with an electronic ankle bracelet that kept track of his location.

On February 26, 2016, a Notice of Violation of Probation was filed (Welf. & Inst. Code, § 777) alleging in count 1 that B.T. had violated the stay-at-home conditions of his probation on four separate days, and in count 2 that B.T. had failed a drug test. Following a hearing, count 1 of the notice was found to be true by the juvenile court. The court held that B.T.'s welfare required that custody be taken from his parents and be given to his probation officer to find a suitable placement for him. B.T. filed a timely notice of appeal on March 22, 2016.

At the probation revocation hearing, the juvenile court heard testimony from Cynthia Acosta, B.T.'s probation officer. Acosta testified she had been trained in the use of the electronic system that monitored B.T.'s ankle bracelet, which indicates whether the minor is in or out of his house.

On February 19, 2016, Acosta was making a random home visit when she discovered B.T. and two other males walking away from his house toward a car. B.T. was “across the street from his house in the middle of the street,” about 50 yards away from his house. Acosta called B.T. over and B.T. asked if he was going to be detained because he knew that he was in violation of a probation condition. When Acosta asked where he had been going, B.T. “said he was going to run an errand for an emergency for his mom.” However, Acosta immediately contacted B.T.’s mother, who said she had been unaware that B.T. was outside the house. Subsequently checking the electronic monitoring system, Acosta discovered that B.T. was also out of the house on three additional days in February.

The juvenile court revoked B.T.’s probation, saying B.T. “has been in this court almost two years” and, although he had not reoffended, “I have been as patient as I can be waiting for [him] to do what the court is requiring him to do and he, for whatever reason, will not do it. Repeatedly time after time, the same issues come up. He is capable, but has been and is choosing not to follow the orders of the court. And I think I am going to move on and try suitable placement. This court has been very patient trying to leave him at home with his mom and it’s not

working. So we have to try a change. . . . He needs the structure of placement.”¹

The juvenile court then terminated “[t]he previous order of home on probation,” continued B.T. as a ward of the court under Welfare and Institutions Code, section 602, and ordered that “[h]e is hereby committed to the care, custody, and control of the Probation Department for suitable placement.”

We appointed counsel to represent B.T. on appeal. After reviewing the record, counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441. We directed counsel to send the record on appeal and a copy of the opening brief to B.T., and notified B.T. that he had 30 days within which to personally submit any contentions or issues he wished us to consider. No supplemental brief was filed. We are satisfied that appellate counsel has fully complied with her responsibilities and that no arguable appellate issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278 [120 S.Ct. 746]; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

¹ “Placement options include the home of a relative or extended family member; a suitable licensed community care facility or foster home; juvenile hall; a ranch, camp or forestry camp; and, the most restrictive setting, DJF [Department of Corrections and Rehabilitation, Division of Juvenile Facilities]. [Citations.]” (*In re Greg F.* (2012) 55 Cal.4th 393, 404.) The juvenile court clarified that it was not sending B.T. to camp: “It is not camp. It is placement at this time.”

DISPOSITION

The juvenile court's order revoking probation is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

EDMON, P. J.

We concur:

ALDRICH, J.

STRATTON, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.