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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B240333  
(Los Angeles County  
Super. Ct. No. VJ41463)

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County,  
Fumiko Wasserman, Judge. Affirmed.

Courtney M. Selan, under appointment by the Court of Appeal, for  
Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant  
Attorney General, Lance E. Winters, Assistant Attorney General, Lawrence M.  
Daniels and Rene Judkiewicz, Deputy Attorneys General, for Plaintiff and  
Respondent.

David M. appeals from an order of wardship (Welf. & Inst. Code, § 602) following a finding he committed the crime of grand theft auto (Pen. Code, § 487, subd. (d)(1)).<sup>1</sup> He contends that the evidence is insufficient to support the juvenile court's finding. We find the evidence sufficient and affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

The evidence at the adjudication hearing established that on May 22, 2011, around 9:45 p.m., Mary Ransom was collecting recyclables in the City of Lynwood. After she put her car keys in her car and the cans in the back of the car, two men approached her from behind and told her to give them the car. It was dark, and both men were wearing hoodies, so she was not able to see their faces. She moved away from the car, and the men drove away in her car.

Ransom told an officer that the men were Hispanic and that one of them was 20 to 25 years old and 5'8" to 5'10" tall. She described the other man as 5'6" to 5'9" tall. Ransom testified that she was unsure of their heights, but that she is 5'6" tall and was standing in the street while the men were on the curb, so they were taller than her. Appellant was estimated to be 5'2" to 5'4" tall.

Los Angeles County Sheriff's Department Detective Gregory Campbell testified that he responded to the call about Ransom's car and was directed to a white minivan in Lynwood. J.A., a minor, was one of the occupants of the minivan. Detective Campbell searched the minivan and found Ransom's car keys inside. J.A. told Detective Campbell that he and appellant had taken Ransom's car and driven around all night.

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<sup>1</sup> All further statutory references are to the Penal Code section unless otherwise specified.

At the hearing, J.A. testified that he alone took the car. He stated that he was friends with appellant, but appellant was not with him when he took the car. J.A. did not mention appellant in his written statement to the police, and during his testimony, he denied telling Detective Campbell that appellant was with him when he took the car. Detective Campbell testified that someone who testifies against a friend could be considered a “snitch,” which could result in punishment by a gang.

Susannah Baker, a forensic identification specialist with the Los Angeles County Sheriff’s Department crime lab, testified that she took fingerprints from Ransom’s car and determined that they matched appellant’s. His fingerprints were found on the outside, but not the inside of the car.

A petition was filed under Welfare and Institutions Code section 602, alleging that appellant committed the crimes of receiving stolen property (Ransom’s car keys and lanyard) (§ 496, subd. (a)) and grand theft auto (§ 487, subd. (d)(1)). The court dismissed count 1, the receipt of stolen property count.

As to count 2, the court found the allegations of the petition true, sustained the petition, and declared the offense a felony with a maximum confinement term of three years. The court declared appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and removed him from the care and custody of his parents. The court ordered appellant into suitable placement and vested temporary placement and care with the probation department. Appellant filed a timely notice of appeal.

## **DISCUSSION**

Appellant contends the evidence is insufficient to sustain the finding that he committed the crime of grand theft auto. We disagree and therefore affirm.

The standard of review of an insufficiency of the evidence claim is the same in juvenile cases as in adult criminal 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.) ““We must presume in support of the judgment the existence of every fact the trier of fact could reasonably deduce from the evidence . . . and we must make all reasonable inferences that support the finding of the juvenile court. [Citation.]’ [Citations.]” (*In re Babak S.* (1993) 18 Cal.App.4th 1077, 1089 (*Babak*).) In determining the sufficiency of the evidence, “[w]e need not be convinced of the defendant’s guilt beyond a reasonable doubt; we merely ask whether ““any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” [Citation.]’ [Citation.]” (*People v. Tripp* (2007) 151 Cal.App.4th 951, 955 (*Tripp*).)

“*Theft* is the felonious taking, carrying, or driving away of the personal property of another; the crime is *grand theft auto* when the property taken is an automobile and it is taken with the specific intent to *permanently* deprive the owner of her property. [Citations.]” (*People v. Marquez* (2007) 152 Cal.App.4th 1064, 1067; § 487, subds. (a), (c), (d)(1).)

Appellant argues that there was evidence that he did not help J.A. steal Ransom’s car, citing Ransom’s testimony that one of the men was between 20 and 25 years old, whereas appellant was only 14 years old at the time of the incident. He also cites Ransom’s testimony that one man was 5’6” to 5’9” and the other was 5’8” to 5’10”, but appellant is only 5’2” to 5’4” tall.

Appellant also points to Baker’s testimony that appellant’s fingerprints were found on the outside of Ransom’s car, but not the inside. He argues that, if he had

been with J.A. when he took the car and drove around in it, appellant's fingerprints would have been inside the car.

Appellant relies on *In re Sylvester C.* (2006) 137 Cal.App.4th 601, *Tripp, supra*, 151 Cal.App.4th 951, and *People v. Johnson* (1984) 158 Cal.App.3d 850, to argue that the juvenile court's finding was based on "speculation and conjecture," but those cases do not help appellant because the evidence here was more than merely speculation.

Appellant relies on the difference between Ransom's estimate of the two men's heights and his own height, and asserts that his fingerprints should have been found inside the car. But Ransom testified that it was dark and she was scared, so the discrepancy between her estimate and appellant's height is not sufficient to cast doubt on the juvenile court's finding. In addition, Detective Campbell testified that J.A. told him appellant was with him when he took the car, and appellant's fingerprints were found on the car. In addition, all inferences are to be drawn in favor of the court's finding. (*Babak, supra*, 18 Cal.App.4th at p. 1089.) Thus, it can reasonably be inferred that J.A.'s denial on the stand of appellant's participation in the theft was attributable to his fear of being a "snitch."

"We may not reverse a conviction for insufficiency of the evidence unless it appears that upon no hypothesis whatever is there sufficient substantial evidence to support the conviction. [Citation.]" (*Tripp, supra*, 151 Cal.App.4th at p. 955.) We find that the evidence is sufficient to sustain the juvenile court's finding.

**DISPOSITION**

The order of wardship is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.