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

In re A.B., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.B.,

Defendant and Appellant.

B234676

(Los Angeles County
Super. Ct. No. TJ19469)

APPEAL from an order of the Superior Court of Los Angeles County,
Charles R. Scarlett, Judge. Affirmed.

Gerald Peters, 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, Steven D. Matthews and Peggy
Z. Huang, Deputy Attorneys General, for Plaintiff and Respondent.

A.B. appeals an order entered after the juvenile court sustained a petition filed under Welfare and Institutions Code, section 602 alleging two counts of assault by means of force likely to produce great bodily injury in which A.B. personally inflicted great bodily injury. (Pen. Code, §§ 245, subd. (a)(1); 12022.7, subd. (a).) We affirm the order of the juvenile court and reject A.B.'s assertion that, absent her statements to a police officer, there was insufficient evidence of the corpus delicti of the charged offenses.

FACTUAL BACKGROUND

1. The testimony of A.B.'s mother, N.B.

On June 19, 2011, Father's Day, at about 8:30 p.m., N.B. was at home with her son, her daughters, 14-year-old A.B., four-year-old A.H., six-year old L.H., and A.H.'s father, J.H. N.B. saw a pot on the stove and asked who was boiling water. When A.B. said she was making diet tea, N.B. told her it was for adults and took the pot off the stove.

Later, N.B. saw a cup of water in the microwave oven. A.B. said she wanted regular tea and N.B. said that was okay. A.B. took the hot water and left the kitchen. From the kitchen, N.B. heard A.H. and L.H. crying in N.B.'s bedroom. N.B. went to the bedroom and saw the children crying and saw J.H. "rushing out, going to the bathroom." J.H. was wet. A.B. was in the living room crying. N.B. called an ambulance. J.H. and A.H. were taken to the hospital.

N.B. saw "bubbles" on A.H.'s shoulder and under her arm. Photographs taken at the hospital showed A.H. had new injuries on her shoulder and abdomen and J.H. had a new injury on his forehead, redness on his shoulder and a "bubble" on his buttocks.

N.B. denied she told a police officer A.B. went into the bedroom with a cup, asked J.H. whether he were a father and threw hot water on him, which also landed on A.H. N.B. claimed she was not in the bedroom at the time of the incident and did not know what happened. N.B. also denied stating A.B. was mad because J.H. had asked for a cake for Father's Day.

2. *A.B.'s statements to Officer Schilling.*

When Los Angeles Police Officer Bryan Schilling arrived at the home, there were two ambulances and a patrol car at the scene. The officers “already had a suspect in custody.” Schilling spoke to A.B. while she was handcuffed in the back of the patrol car. A.B. waived her rights pursuant to *Miranda v. Arizona* (1966) 384 U.S. 436 [16 L.Ed.2d 694] and told Schilling she made breakfast for her mother on Father’s Day because she acted as both her mother and her father. A.B. became upset because her mother was paying more attention to J.H. than A.B. After her mother told her diet tea was not for children, A.B. heated a cup of water in the microwave for approximately three minutes, removed the cup from the microwave and entered her mother’s bedroom. A.B. asked J.H. if he were a father and then threw the water at him, causing injuries to J.H. and A.H. A.B. did not say the incident had been an accident.

3. *Other evidence.*

The juvenile court received into evidence photographs of J.H. and A.H. taken at the hospital and medical records which indicated A.H. suffered second degree burns to her left shoulder and abdomen, and J.H. suffered second degree burns to his face. In argument, the prosecutor noted A.H.’s medical records indicate she was transported from the emergency room at Harbor UCLA Hospital to the USC burn unit for treatment.

CONTENTION

A.B. contends there was insufficient evidence, absent her statements to Officer Schilling, to sustain the allegations of the petition.

DISCUSSION

“In every criminal trial, the prosecution must prove the corpus delicti, or the body of the crime itself--i.e., the fact of injury, loss, or harm, and the existence of a criminal agency as its cause. In California, it has traditionally been held, the prosecution cannot satisfy this burden by relying *exclusively* upon the extrajudicial statements, confessions, or admissions of the defendant. [Citation.]” (*People v. Alvarez* (2002) 27 Cal.4th 1161, 1168-1169.)

Here, the evidence before the juvenile court, excluding A.B.’s statements to Officer Schilling, indicated A.B. took a cup of boiling water into a bedroom occupied by J.H. and A.H. Shortly thereafter, N.B. heard A.H. and L.H. crying in the bedroom and A.B. crying in the living room. J.H. was wet and he had a new injury on his forehead, redness on his shoulder and a “bubble” on his buttocks. A.H. had “bubbles” on her shoulder and under her arm, and she had new injuries on her shoulder and abdomen. Medical records indicated J.H. and A.H. suffered second degree burns and A.H. had to be transported to a burn unit for treatment. Thus, the evidence showed J.H. and A.H. suffered injury, loss, or harm. Further, the seriousness of the injuries permitted the reasonable inference the harm had been caused by a criminal agency.

In disputing the latter point, A.B. argues her statements to Officer Schilling were necessary to dispel the reasonable inference the injuries had been the result of an accidental spill of hot water. However, the inference of criminal conduct need not be “the only, or even the most compelling, one,” as long as it is “a *reasonable* one” (*People v. Jennings, supra*, 53 Cal.3d at p. 367.) “ ‘[T]he prosecution need not eliminate all inferences tending to show a noncriminal cause of [the harm].’ [Citation.] The corpus delicti may be established ‘*even in the presence of an equally plausible noncriminal explanation of the event.*’ [Citation.]” (*People v. Ochoa* (1998) 19 Cal.4th 353, 407, emphasis added.)

In sum, there was sufficient evidence, apart from A.B.’s extrajudicial statements, to establish a prima facie showing of the elements of the corpus delicti. (*People v. Jennings* (1991) 53 Cal.3d 334, 364.) Because there was adequate proof an assault had occurred independent of A.B.’s statements to Officer Schilling, the corpus delicti rule, which “is intended to ensure that one will not be falsely convicted, by his or her untested words alone, of a crime that never happened” (*People v. Alvarez, supra*, 27 Cal.4th at p. 1169), was satisfied.

DISPOSITION

The order of the juvenile court is affirmed.

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KLEIN, P. J.

We concur:

CROSKEY, J.

ALDRICH, J.