

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.111.5.
--

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

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

2d Juv. No. B284975  
(Super. Ct. No. PJ52041)  
(Los Angeles County)

THE PEOPLE,
-------------

Plaintiff and Respondent,
---------------------------

v.
----

A.C.,
-------

Defendant and Appellant.
--------------------------

A.C. appeals a \$4,629.50 victim restitution order imposed after the juvenile court sustained a petition for forcible rape of a victim under 14 years of age. (Welf. & Inst. Code, § 602; Pen. Code, § 261, subd. (a)(2).)<sup>1</sup> Appellant contends, and the Attorney General agrees, that the trial court erred in ordering appellant to pay \$900 restitution to the victim's parents for his cell phone and clothing expenses. (§ 730.6, subds. (a) & (h).) We

---

<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise stated.

reduce the victim restitution award from \$4,629.50 to \$3,724.50 and affirm the judgment as modified.

On August 23, 2017, appellant admitted one count of forcible rape of his 13 year old cousin. The trial court declared the rape a felony and committed appellant to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF) for a maximum period of 13 years. The prosecution requested \$3,724.50 victim restitution for the victim's ambulance bill and lost work by the victim's parents. The prosecution also requested \$905 restitution for appellant's living expenses during his stay at the victim's house. The victim's parents paid appellant's cell phone bills and provided him clothing while he was in their care. The trial court, over appellant's objection, awarded \$4,629.50 restitution.

Section 730.6, subdivision (h)(1) requires that the juvenile court order victim restitution to reimburse the victim "for all determined economic losses incurred as the result of the minor's conduct for which the minor was found to be a person described in Section 602 . . . ." "The economic loss must be 'as a result of the minor's conduct.' (§ 730.6, subd. (a).)" (*In re A.M.* (2009) 173 Cal.App.4th 668, 673.) The prosecution had to prove that appellant's conduct was a substantial factor in causing the events that harmed the victim. (*Id.* at p. 674; Cal. Criminal Law: Procedure and Practice (Cont.Ed.Bar 2017) § 40.14, p. 1236.) Because appellant was not placed on probation, the trial court lacked authority to order restitution over and above the economic losses caused by appellant's criminal conduct. (§ 730.6, subd. (l); see *People v. Carbajal* (1995) 10 Cal.4th 1114, 1121.) We conclude that the trial court erred in awarding victim restitution

for appellant's cell phone and clothing expenses incurred prior to the commission of the offense.

*Disposition*

The victim restitution award is reduced from \$4,629.50 to \$3,724.50. The judgment, as modified, is affirmed.

NOT TO BE PUBLISHED.

YEGAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Morton Rochman, Judge

Superior Court County of Los Angeles

---

Torres & Torres and Steven A. Torres, under  
appointment by the Court of Appeal for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler,  
Chief Assistant Attorney General, Lance E. Winters, Senior  
Assistant Attorney General, Victoria B. Wilson, Supervising  
Deputy Attorney General, Lindsay Boyd, Deputy Attorney  
General, for Plaintiff and Respondent.