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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re E.R., a Person Coming Under the
Juvenile Court Law.

B237877
(Los Angeles County
Super. Ct. No. FJ47206)

THE PEOPLE,

Plaintiff and Respondent,

v.

E.R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County,
Heidi Shirley, Juvenile Court Referee. Affirmed as modified.

Gerald Peters, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Minor E.R., now 16, appeals from an order declaring him a ward of the juvenile court pursuant to Welfare and Institutions Code section 602. Section 602 petitions were filed on April 12, 2010, April 11, 2011, May 17, 2011, July 1, 2011, and September 9, 2011, alleging: battery upon an officer, assault upon a special victim, and possession of vandalism tools, all misdemeanors (Pen. Code, §§ 243, subd. (b), 240, 594.2, subd. (a)) (the April 12, 2010 petition); misdemeanor petty theft (Pen. Code, § 484, subd. (a)) (the April 11, 2011 petition); misdemeanor vandalism (Pen. Code, § 594, subd. (a)) (the May 17, 2011 petition); four felony counts of resisting an executive officer (Pen. Code, § 69; counts 1-4), and three misdemeanor counts of resisting, delaying or obstructing a peace officer (Pen. Code, § 148, subd. (a)(1); counts 5-7) (the July 1, 2011 petition); and felony grand theft (Pen. Code, § 487, subd. (c)) (the September 9, 2011 petition).

On May 18, 2010, E.R. admitted the allegations in the April 12, 2010 petition. The trial court found the battery count to be true, and the remaining counts were dismissed with a *Harvey* waiver.¹ The offense was declared a misdemeanor, with a maximum term of confinement of one year. E.R. was ordered suitably placed in an open facility and was given six days of predisposition custody credit.

On November 16, 2010, a Welfare and Institutions Code section 777 “Notice of Violation” was filed concerning the April 12, 2010 petition, alleging E.R. left his placement without permission, and did not return. On November 17, 2010, E.R. admitted the violation, and was placed at home on probation.

On September 29, 2011, the September 9, 2011 petition for grand theft was adjudicated and sustained, and the offense was found to be a felony. E.R. also admitted the allegations for counts 1 and 5 of the July 1, 2011 petition, and the remaining allegations were dismissed with a *Harvey* waiver. Count 1, resisting an executive officer, was declared a felony, and count 5, resisting, obstructing, or delaying a peace officer, was declared a misdemeanor. E.R. also admitted the vandalism from the May 17, 2011

¹ *People v. Harvey* (1979) 25 Cal.3d 754 (*Harvey*).

petition, which was declared a misdemeanor. The April 11, 2011 petition was dismissed on the prosecution's motion. E.R. was placed in the custody of the probation officer, and the previous order placing him in camp as well as the conditions of his probation remained in force. The maximum term of confinement was set for four years and eight months, and E.R. was given 38 days of predisposition custody credit.

On October 4, 2011, the trial court placed E.R. in the camp community placement for a period of six months, with a maximum term of confinement of one year, on the April 12, 2010 petition. On October 6, 2011, the trial court granted E.R.'s request for *Pitchess*² discovery. On November 21, 2011, E.R. filed a notice of appeal from the "[s]ustained petition on September 29th, 2011." No other orders were identified in the notice of appeal.

We appointed appellate counsel to represent E.R. Appointed counsel filed a brief in which no issues were raised. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). The brief included a declaration from counsel that he reviewed the record and advised E.R. of his right, under *Wende*, to submit a supplemental brief. E.R. did not file a supplemental brief with this court.

The facts from the September 29, 2011 adjudication are these: At approximately 4:00 p.m. on Friday, September 2, 2011, Bell High School student S.A. was walking to Carl's Jr. with six of her friends. E.R. punched S.A. in the chest, ripped one of her necklaces off her neck, and ran away with the necklace. S.A. recognized E.R. She had seen him at her high school, and he was friends with the boyfriend of one of S.A.'s friends. S.A. made a report to the dean of her school the following Tuesday. She and the dean looked at a "mug book," and S.A. identified someone similar to E.R. as her attacker. On the same day, S.A. saw defendant at school and told the dean.

D.D., who dates E.R.'s brother, testified that E.R. was home with her on September 2, 2011. She was in her bedroom watching a show called *Ghost Whisperer*,

² *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).

which she watches every day between 1:30 p.m. and 5:30 p.m. E.R. was in the living room, playing with D.D.'s sons.

We have examined the entire record, consisting of two volumes of clerk's transcript and three volumes of reporter's transcript, including a sealed transcript from the hearing for *Pitchess* discovery, and are satisfied that appointed counsel fully complied with his responsibilities and that no arguable appellate issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

We did, however, find a clerical error in the court's minutes. E.R.'s date of birth was erroneously identified as November 25, 1995, instead of November 2, 1995. Although the petitions were corrected by interlineation to reflect the correct date of birth, the minute orders dated April 13, 2010; May 18, 2010; June 1, 2010; October 14, 2010; November 16, 2010; November 17, 2010; December 16, 2010; April 1, 2011; April 11, 2011; May 17, 2011; June 21, 2011; July 5, 2011; July 15, 2011; August 25, 2011; September 12, 2011; September 27, 2011; September 28, 2011; September 29, 2011; September 30, 2011; October 4, 2011, and October 6, 2011 should be corrected to reflect the proper date of birth. (*People v. Contreras* (2009) 177 Cal.App.4th 1296, 1300, fn. 3 ["A reviewing court has the authority to correct clerical errors without a request by either party"].) We otherwise affirm the order of wardship below, as modified.

DISPOSITION

The order of wardship is affirmed as modified.

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GRIMES, J.

WE CONCUR:

RUBIN, Acting P. J.

FLIER, J.