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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re RAPHAEL H., a Person Coming
Under the Juvenile Court Law.

B248500

THE PEOPLE,

(Los Angeles County
Super. Ct. No. TJ19847)

Plaintiff and Respondent,

v.

RAPHAEL H.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.

Tamara Hall, Judge. Affirmed.

Jeanine G. Strong, 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, Paul M. Roadarmel, Jr., and Rama R. Maline, Deputy Attorneys General, for Plaintiff and Respondent.

A Welfare and Institutions Code¹ section 602 petition alleged Raphael H. committed second degree robbery (Pen. Code, § 211) by taking three gold chains from Carla Sanders. The trial court sustained the petition. Raphael contends on appeal that substantial evidence does not support the conviction or a condition of probation imposed by the trial court. We affirm.

FACTS

Two men took three gold chains from Sanders' neck at approximately 6:30 p.m. on March 25, 2013. Sanders testified at trial that she was approached by two young men near the Dollar Zone store on El Segundo Boulevard. One of them asked her what time it was. He then leaned in and snatched the three gold chains off of her neck. Sanders identified Raphael as the person who took her gold chains.

Los Angeles County Deputy Sheriff Joel Bronson and his partner responded to the call. They detained Raphael and Cedric S. two blocks away. Deputy Bronson found Sanders' gold chains in Cedric's right sock. In a field show up, Sanders identified Raphael and Cedric as the men who took her gold chains. She also identified the gold chains found in Cedric's sock as hers. After Raphael was advised of his rights pursuant to *Miranda v. Arizona* (1966) 384 U.S. 436, he wrote in a statement, "Snatched a chain. I am sorry. Wait [*sic*] do it again."

Defense counsel moved to dismiss the petition pursuant to section 701.1 at the conclusion of the People's case. Defense counsel argued that the People had failed to present sufficient evidence to prove their case since Sanders' statement to the police differed from her testimony at trial. Sanders told Deputy Bronson shortly after the incident that one man asked her for the time and the other took the chains from her neck. She testified at trial, on the other hand, that it was Raphael who asked her for the time and took the chain. Further, the chains were found in Cedric's sock, not on Raphael, when they were searched by the police. Defense counsel further argued that the

¹ All further section references are to the Welfare and Institutions Code unless otherwise specified.

admission by Raphael was ambiguous and not reliable because it did not expressly say, “I snatched the chain.”

The trial court found both Sanders and Deputy Bronson to be credible and that Raphael’s statement was persuasive. As a result, the trial court found the allegations in the petition to be true. It declared Raphael a person described by section 602 and ordered him home on probation. Among other conditions, it ordered Raphael to perform 100 hours of community service, to participate in the juvenile alternative work services program for 20 days, to stay away from the Dollar Zone, and to have no contact with Cedric and other specified individuals. The trial court also ordered Raphael to pay restitution, if any, to Sanders. Raphael was advised his adjudication would count as a strike offense under the Three Strikes law. Raphael timely appealed.

DISCUSSION

I. Sufficiency of the Evidence

On appeal, Raphael again contends the evidence was not sufficient to support a conviction for second degree robbery because Sanders did not reliably identify Raphael as the perpetrator. We disagree.

In determining the sufficiency of evidence on appeal, we review “‘the entire record in the light most favorable to the prosecution to determine whether it contains evidence that is reasonable, credible, and of solid value, from which a rational trier of fact could find the defendant guilty beyond a reasonable doubt.’ [Citations.]” (*People v. Tafoya* (2007) 42 Cal.4th 147, 170; *In re Miguel* (1982) 32 Cal.3d 100, 105.) We do not reweigh the evidence. (*People v. Albillar* (2010) 51 Cal.4th 47, 60.) That the facts and circumstances could also reasonably support a finding of innocence does not require reversal. (*People v. Millwee* (1998) 18 Cal.4th 96, 132.) Robbery is the felonious taking of personal property in the possession of another from his person or immediate presence and against his will, accomplished by force or fear. (§ 211; *People v. Nichols* (1967) 255 Cal.App.2d 217.)

Substantial evidence supports a finding that Raphael committed second degree robbery. Sanders identified Raphael as the perpetrator at trial. Also, Raphael admitted to the crime when he wrote, “Snatched a chain. I am sorry. Wait [*sic*] do it again.” That the evidence may also support a finding that Cedric, and not Raphael, took the chains is irrelevant. Any discrepancies in the testimony are matters which go to the weight of the evidence and are to be determined by the trier of fact. (*In re Corey* (1964) 230 Cal.App.2d 813, 825-826.)

II. Restitution

Raphael next contends that the trial court erred when it ordered him to make restitution to Sanders since the chains were returned to her. Raphael has forfeited any claim of error as he failed to object to the condition at the time the trial court imposed it. (*People v. Welch* (1993) 5 Cal.4th 228, 234-235.) At sentencing, the trial court asked Raphael if he understood the condition and he responded that he did. Neither he nor his counsel objected at that time. Raphael may not now complain of error.

Raphael contends that the forfeiture rule does not apply in this instance because it involves a pure question of law, citing to *In re Sheena K.* (2007) 40 Cal.4th 875, 885-887 and *In re Justin S.* (2001) 93 Cal.App.4th 811. Neither support Raphael’s argument. The Supreme Court in *In re Sheena K.* explained that the forfeiture rule does not apply if the error is one that is “capable of correction without reference to the particular sentencing record developed in the trial court.” (*In re Sheena K.*, *supra*, at p. 887.) In such a circumstance, the claim may “present a pure question of law” properly addressed on appeal, even if there was no objection below. (*Ibid.*) Here, the issue does not involve a “pure question of law.” We are not capable of correcting any purported error because there is no indication in the record showing what happened to Sanders’ chains after they were taken from her. The only thing we can discern from the record is that no specific amount of restitution was ordered to be paid by Raphael.

DISPOSITION

The judgment is affirmed.

BIGELOW, P. J.

We concur:

FLIER, J.

GRIMES, J.