

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re S.T., a Person Coming Under the
Juvenile Court Law.

B231881
(Los Angeles County
Super. Ct. No. FJ46060)

THE PEOPLE,

Plaintiff and Respondent,

v.

S.T.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Shep A. Zebberman, Juvenile Court Referee. Modified and affirmed.

Nancy K. Udem, 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, Senior Assistant Attorney General, Kenneth C. Byrne, Supervising Deputy Attorney General, and Baine P. Kerr, Deputy Attorney General, for Plaintiff and Respondent.

Minor S.T. appeals from the order of wardship entered following a finding that she committed a misdemeanor assault by means of force likely to produce great bodily injury. Minor contends that the juvenile court erred by setting a maximum term of confinement, even though she was placed home on probation. We agree and strike the maximum term of confinement.

BACKGROUND

On December 21, 2009, minor admitted the truth of a Welfare and Institutions Code section 602 petition alleging that she committed a misdemeanor assault by means of force likely to produce great bodily injury on July 14, 2009. (Undesignated statutory references are to the Welfare and Institutions Code.) According to the probation report, the allegation stemmed from a fight at school in which minor punched and kicked a classmate. The juvenile court sustained the petition and placed minor home on informal probation supervision under section 725, subdivision (a).

The court revoked minor's section 725, subdivision (a) probation on August 10, 2010, and on February 23, 2011, the court declared minor to be a ward of the court and placed her home on probation. The court declared minor's maximum term of confinement to be one year.

DISCUSSION

S.T. contends that the juvenile court erred by setting a maximum term of confinement, even though she was placed home on probation.

When a minor is removed from the physical custody of his parent or custodian as a result of criminal violations sustained under section 602, the court must specify the maximum term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses. (§ 726, subd. (c).)

The juvenile court was not required to set a maximum confinement term because S.T. was not removed from her mother's physical custody. (*In re Ali A.* (2006) 139 Cal.App.4th 569, 573.) The declared maximum confinement term has no legal effect

whatsoever (*id.* at p. 574), and, although it does not prejudice S.T., we agree it should be stricken.

DISPOSITION

The maximum term of confinement established by the juvenile court is stricken.
The order under review is otherwise affirmed.

NOT TO BE PUBLISHED.

MALLANO, P. J.

We concur:

ROTHSCHILD, J.

CHANEY, J.