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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B279648

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

(Los Angeles County  
Super. Ct. No. YJ38056)

Plaintiff and Respondent,

v.

E.S.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County. Irma J. Brown, Judge. Affirmed.

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

No appearance for Respondent.

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In October 2014, a petition was filed to declare defendant, a juvenile, a ward of court, based on his commission of a robbery. (Pen. Code, § 211.) In January 2015, the petition was amended to allege commission of attempted robbery. (Pen. Code, §§ 664/211.) Defendant admitted the petition as amended; the court sustained it; and defendant was placed home on probation.

Defendant's probation went reasonably well until he committed the instant offense in September 2016. Defendant and his companion, identified only as Louie, went to a local mall with the plan to steal something to get money. They spotted a family sitting in the food court with their cell phones on their tables, and agreed to take the phones. Defendant grabbed the daughter's phone from one table; Louie grabbed the mother's phone from an adjacent table. They ran off with the phones. The family's father gave chase and was joined by two mall security guards. As the thieves ran from the mall, Louie told defendant security was behind him. Defendant tossed the cell phone he had taken into some nearby bushes. Then, he and Louie hid behind some stairs. The father arrived at the stairwell and tried to hold defendant and Louie. Both defendant and Louie hit the father, who was thrown to the ground. The father eventually grabbed defendant and held him from behind, waiting for police to arrive. Louie escaped with the mother's cell phone. When the father asked defendant where the daughter's cell phone was, defendant directed him to the nearby bushes, where the father recovered the phone.

A wardship petition was filed alleging robbery (Pen. Code, § 211) and assault by force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4)). At the adjudication hearing, the court dismissed the assault count on defendant's motion at the

close of the prosecution's case, but denied defendant's motion to dismiss the robbery.

The court found the robbery allegation true. Defendant was ordered to camp-community placement. His maximum term of confinement was calculated as five years, eight months (five years as the upper term for the robbery, plus eight months as one-third the middle term of two years for the 2014 attempted robbery). Defendant filed a timely notice of appeal.

Counsel appointed for defendant filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). The brief included a declaration that counsel had written to defendant, explaining the brief counsel was filing, and informing defendant of his right to file a supplemental brief. This court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief or letter raising any issues he wished us to consider. Defendant did not file a supplemental brief.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*Wende, supra*, 25 Cal.3d 436.) The evidence that defendant committed a robbery, by aiding and abetting Louie in his use of force to retain possession of the cell phone he took, was overwhelming. Defendant has not identified any arguable issues.

However, there is one anomaly in the record. The November 15, 2016 minute order for the adjudication hearing indicates (correctly) that testimony was taken and that defendant successfully moved to dismiss the assault count for insufficiency of the evidence. But it also states, incorrectly, that defendant waived his rights, admitted the robbery count, and the assault count was dismissed pursuant to settlement. On remand, we

direct the trial court to consider whether to modify the minute order to correctly reflect the proceedings which occurred on that date.

**DISPOSITION**

The judgment is affirmed. The matter is remanded to the trial court to consider whether to modify its minute order of November 15, 2016.

RUBIN, ACTING P. J.

WE CONCUR:

FLIER, J.

GRIMES, J.