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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

THE PEOPLE,

Plaintiff and Respondent,

v.

W.E.,

Defendant and Appellant.

B246559

(Los Angeles County
Super. Ct. No. TJ20377)

APPEAL from a judgment of the Superior Court of Los Angeles County. Kevin L. Brown, Judge. Affirmed as modified.

Stephen Borgo, 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, Steven D. Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

Minor W.E. appeals from the order declaring him a ward of the juvenile court, contending that the court erred by setting a maximum term of confinement because he was put on probation at home. We agree, direct that the order be modified to delete the term of confinement, and affirm the modified order.

FACTS AND DISCUSSION

The juvenile court sustained a petition alleging that minor W.E. took part in a robbery, and then declared him a ward of the court. (Welf. & Inst. Code, § 602.) The court placed the minor on probation at home, but also set a maximum term of confinement of five years. Minor contends the maximum term of confinement may not be imposed because he was placed on probation and was not removed from parental custody. (Welf. & Inst. Code, § 726, subd. (c) [court must specify maximum term of confinement when minor is removed from parental custody].) He asks that we modify the juvenile court's order to delete the term of confinement. Respondent contends we need do nothing because the term of confinement was erroneous and has no legal effect. However, as this court has already held, the reference to a term of confinement should be stricken under these circumstances. (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 541.) We shall do so here.

DISPOSITION

The maximum term of confinement set by the court is stricken. In all other respects the judgment is affirmed.

RUBIN, J.

WE CONCUR:

BIGELOW, P. J.

FLIER, J.