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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re D.L., a Person Coming  
Under the Juvenile Court Law.

2d Juv. No. B286470  
(Super. Ct. No. VJ45895)  
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

D.L.,

Defendant and Appellant.

D.L. appeals an order adjudicating him a ward of the court. (Welf. & Inst. Code, § 602.) The juvenile court found true the allegation that D.L. committed first degree residential burglary with the victims present during the offense. (Pen. Code, §§ 459, 667.5, subd. (c).)<sup>1</sup> On a petition for another offense, the

<sup>1</sup> Further unspecified statutory references are to the Penal Code.

court found true the allegation that D.L. carried an unregistered loaded handgun. (§ 25850, subd. (a).) The court ordered D.L. placed at a camp community program for five to seven months and set a maximum confinement period of six years eight months.

D.L. contends the juvenile court erred in sustaining the petition because there was insufficient evidence to support the residential burglary finding. We affirm.

### **FACTS AND PROCEDURAL HISTORY**

F.T. and C.T. were home when they heard their doorbell ring. They looked at a surveillance video of their front door and saw D.L. and another minor. D.L. and his companion rang the doorbell several times and walked away when no one answered the door. They then jumped a gate into the backyard.

About 30 minutes later, the victims heard “banging” on the back glass door. F.T. looked at the surveillance video and saw D.L. and his companion at the door. D.L.’s companion used a pole from the backyard to hit the glass door. The companion also reached his hand through a small dog door. D.L. braced himself next to a trampoline and used both feet to kick the glass door. Meanwhile, the companion used a brick from the backyard to break the glass door. When the door broke, C.T. yelled “hey,” and D.L. and his companion ran away.

At the adjudication hearing, the prosecution argued that D.L. aided and abetted the burglary. The court found true the residential burglary allegation and sustained the petition.

### **DISCUSSION**

D.L. contends the first degree burglary finding should be reversed because there was insufficient evidence to establish

(1) entry into the home and (2) intent to commit the crime. We disagree.

We review the juvenile court's finding for substantial evidence. (*People v. Zamudio* (2008) 43 Cal.4th 327, 357.) "We presume in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence. [Citation.] [¶] . . . "[I]f the circumstances reasonably justify the [trier of fact's] findings, the judgment may not be reversed simply because the circumstances might also reasonably be reconciled with a contrary finding." [Citation.] We do not reweigh evidence or reevaluate a witness's credibility. [Citation.]" [Citations.]" (*People v. Nelson* (2011) 51 Cal.4th 198, 210 (*Nelson*).)

### ***Entry***

An individual is guilty of burglary if he or she enters a building with the intent "to commit grand or petit larceny or any felony." (§ 459.) The entry element is met if "a part of the body or an instrument . . . penetrate[s] the outer boundary of the building." (*Magness v. Superior Court* (2012) 54 Cal.4th 270, 273.) The slightest act of penetration will constitute entry. (*Ibid.*) Where there are multiple individuals acting together in committing a crime, each individual is liable for the same offense committed by the direct perpetrator. (See *People v. Avila* (2006) 38 Cal.4th 491, 564.)

Here, the entry element was met when D.L.'s companion reached through the dog door and into the victims' home. (See *People v. Valencia* (2002) 28 Cal.4th 1, 15 [entry that is "*just barely* inside the premises, even if the area penetrated is small, is sufficient"], disapproved on other grounds in *People v. Yarbrough* (2012) 54 Cal.4th 889, 894.) Entry also occurred when his companion broke the glass door with a brick. (See *People v.*

*Calderon* (2007) 158 Cal.App.4th 137, 142 [kicking the door of a home satisfies the entry element because “some part of his . . . body or some object under his control penetrates the area inside the building’s outer boundary”]; *People v. Osegueda* (1984) 163 Cal.App.3d Supp. 25, 31-32 [creating a small hole in the wall constitutes entry because some portion of the tools entered the building].) Substantial evidence supports the finding that D.L. entered the home.

### ***Intent***

D.L. argues the evidence is insufficient to prove his “specific intent” to commit the burglary. We conclude the evidence was sufficient to prove D.L. intended to aid and abet the burglary.

Burglary requires a specific intent “to commit grand or petit larceny or any felony.” (§ 459.) However, aider and abettor liability does not require proof of the specific intent that is an element of the underlying offense. (*People v. Mendoza* (1998) 18 Cal.4th 1114, 1123.) An aider and abettor acts with the knowledge of the direct perpetrator’s criminal purpose and with an intent to commit, encourage or facilitate the commission of the crime. (*People v. Houston* (2012) 54 Cal.4th 1186, 1224.) Relevant factors in determining whether a person aided and abetted a crime include presence at the crime scene, companionship, and conduct before and after the offense, such as flight. (*People v. Battle* (2011) 198 Cal.App.4th 50, 84.)

Substantial evidence supports the finding that D.L. knew his companion’s criminal purpose and intended to commit, encourage or facilitate the burglary. Before the burglary, D.L. and his companion rang the doorbell several times to see if anyone was home. When no one answered the door, they jumped

a gate into the backyard to gain entry through the back door. D.L. not only accompanied his companion into the backyard, but he also facilitated his companion when he kicked the glass door with his feet at the same time his companion used a brick to break the glass. Moreover, D.L. fled when he heard C.T. yell. (See *People v. Frye* (1985) 166 Cal.App.3d 941, 947 [sudden flight upon discovery supports an inference that the defendant intended to steal].)

D.L. argues that the evidence only supports his intent to commit trespass or vandalism. Intent may be inferred from all the facts and circumstances. (*In re Gary H.* (2016) 244 Cal.App.4th 1463, 1478.) The juvenile court reasonably inferred D.L.'s intent to aid and abet a burglary based on substantial evidence. That the evidence could also support a contrary or alternative finding does not warrant reversal. (*Nelson, supra*, 51 Cal.4th at p. 210.)

#### **DISPOSITION**

The order is affirmed.

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TANGEMAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Fumiko Hachiya Wasserman, Judge

Superior Court County of Los Angeles

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