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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re M.B., a Person Coming  
Under the Juvenile Court Law.

B287307

(Los Angeles County  
Super. Ct. No. FJ54960)

THE PEOPLE,

Plaintiff and Respondent,

v.

M.B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Benjamin R. Campos, Juvenile Court Referee.

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

No appearance for Plaintiff and Respondent.

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M.B. was declared a ward of the juvenile court after the court sustained a petition alleging he had committed second degree robbery and aggravated assault. We affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **A. The First Petition**

In May 2017, then 13-year-old M.B. and two other juveniles grabbed some toys for sale at an outdoor kiosk and fled down the street. Police officers were called and gave chase after M.B. refused to comply with their orders to stop. The officers detained M.B., recovered three of the stolen toys from his pocket, and cited and released him.

On July 3, 2017, the district attorney filed a petition pursuant to Welfare and Institutions Code section 602 alleging M.B. had committed petty theft in violation of Penal Code section 484, subdivision (a), a misdemeanor, and had resisted, obstructed or delayed a peace officer in violation of Penal Code section 148, subdivision (a)(1), a misdemeanor. This petition was dismissed on the People's motion.

### **B. The Second Petition**

In early August 2017, M.B. and two men emerged from a van and attacked Juan Herrera Vasquez as he was walking home. Vasquez was punched to the ground and M.B. kicked him several times. The three assailants took \$350 from Vasquez and fled. M.B. was later arrested.

Prior to being questioned by the police, M.B. was advised of his right to remain silent, to the presence of an attorney, and, if indigent, to appointed counsel. (*Miranda v. Arizona* (1966) 384 U.S. 436 [86 S.Ct. 1602, 16 L.Ed.2d 694].) Los Angeles Police

Detective Emily Delph then interviewed M.B. to determine if he understood the wrongfulness of his actions. Using a questionnaire (described in the record as “the *Gladys R.* questionnaire”), Delph asked M.B. if he knew the difference between right and wrong. M.B. responded returning something found to the person to whom it belongs was right and taking something that does not belong to you was wrong. M.B. acknowledged it was wrong to steal or to help someone steal.

On August 3, 2017, the People filed a second Welfare and Institutions Code section 602 petition alleging M.B. had committed the felony offenses of second degree robbery (Pen. Code, § 211) and assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4).)

### **C. The Jurisdiction Hearing**

A jurisdiction hearing was held on the second petition. After the People rested, counsel for M.B. moved to exclude Detective Delph’s testimony, arguing the People had failed to meet their burden of proving that M.B.’s waiver of his Fifth Amendment rights was knowing and intelligent and that he had the requisite understanding of wrongfulness necessary to find a child under the age of 14 years capable of committing a criminal offense. The court denied the motion on both grounds.

After his motion was denied, M.B. rested without testifying in his own behalf or presenting any other defense. The juvenile court found true the allegations that M.B. had committed second degree robbery and aggravated assault, sustained the second petition and declared M.B. a ward of the juvenile court.

#### **D. The Disposition Hearing**

At disposition, the court ordered M.B. to be suitably placed under the supervision of the probation department and declared a maximum term of confinement of one year 215 days. The court awarded M.B. 101 days of predisposition credits. M.B. filed a timely notice of appeal.

#### **DISCUSSION**

We appointed counsel to represent M.B. on appeal. After reviewing the record, counsel filed an opening brief raising no issues. On July 10, 2018, we advised M.B. he had 30 days to submit a brief or letter raising any grounds for appeal, contentions or arguments he wanted us to consider. We have received no response.

We have examined the record and are satisfied that appellate counsel for M.B. has complied with his responsibilities and there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

#### **DISPOSITION**

The order is affirmed.

ZELON, Acting P. J.

We concur:

SEGAL, J.

FEUER, J.