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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B259371

THE PEOPLE,

(Los Angeles County
Super. Ct. No. KJ35111)

Plaintiff and Respondent,

v.

STEVE M.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.
Geanene Yriarte, Judge. Affirmed.

Bruce G. Finebaum, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Steve M. appeals from a judgment which commits him to the Juvenile Facilities Division of the California Department of Corrections and Rehabilitation. We affirm the judgment.

FACTS

Steve M. has been a ward of the juvenile court since he was 13 years old. He was first declared a ward of the court under section 602 of the Welfare and Institutions Code¹ on August 11, 2011, when he admitted to making criminal threats against his sister (Pen. Code, § 422) by waving a kitchen knife at her and verbally threatening her. The juvenile court removed him from the home, where he lived with his mother and siblings, and ordered him to be suitably placed by the Los Angeles County Probation Department with a maximum confinement of three years. The juvenile court also imposed numerous conditions of probation, including completing anger management counseling, attending school, reporting to his probation officer, obeying all laws, and avoiding alcohol or drugs.

Two years later, when he was 15 years old, someone witnessed Steve M. and a friend break into a car on Kinsley Avenue in Pomona. The witness identified Steve M. as one of the perpetrators and he confessed to the police soon after the incident. At the time of his arrest, Steve M. had run away from his placement and a warrant had been issued for his arrest. A petition was filed on June 10, 2013, alleging one felony count of second degree burglary of a vehicle (Pen. Code, § 459), one misdemeanor count of mischief to a vehicle (Veh. Code, § 10853), and one misdemeanor count of petty theft (Pen. Code, § 484, subd. (a)). Steve M. pled no contest to the allegations in the petition. The court sustained the felony count for second degree burglary of a vehicle and dismissed the remaining counts pursuant to a settlement. A *Harvey*² waiver was taken. The juvenile court ordered suitable placement order and again imposed a host of probation conditions.

¹ All further section references are to the Welfare and Institutions Code unless otherwise specified.

² *People v. Harvey* (1979) 25 Cal.3d 754 (*Harvey*).

A third petition under section 602 was filed on January 16, 2014, alleging four misdemeanor counts of petty theft for breaking into a number of unlocked vehicles parked in driveways in Claremont. (Pen. Code, § 484, subd. (a).) Steve M. admitted to the allegations in the petition. The juvenile court sustained counts 1 and 3 and dismissed counts 2 and 4 pursuant to a settlement. Again, a *Harvey* waiver was taken. The court ordered suitable placement and declared the maximum period of confinement to be four years. Steve M. was ordered to comply with a number of probation conditions, including not leaving his placement without permission.

On March 27, 2014, the probation department filed a petition under section 777³ alleging violation of his probation conditions. In particular, Steve M. failed to obey all laws, failed to report to or obey his probation officer, and left his placement without permission. The probation department believed Steve M. would benefit from a more secure setting given that he had left his previous placements and refused all previous services offered to him to deal with his negative behaviors. Steve M. admitted to the section 777 petition. The juvenile court found the allegations in the petition to be true. The court placed him in a six-month camp community placement program, with a maximum confinement period of four years.

On May 30, 2014, a second section 777 petition was filed by the probation department, alleging in counts 1, 5, and 7 that Steve M. violated his probation conditions by fighting with other camp minors in gang and race related altercations. It further alleged in counts 2, 3, 4, and 6 that he resisted, threatened, and assaulted probation staff. Steve M. admitted to the allegations in the petition and the juvenile court found true the allegations of counts 1, 4, and 5. The court placed him in the camp community placement program for nine months, terminated its previous six month order, and ordered his maximum period of confinement to be four years.

³ Section 777 sets forth the process by which a ward of the court under section 602 may be committed to the California Youth Authority.

On June 13, 2014, a section 602 petition was filed alleging three counts of assault by means likely to produce great bodily injury in violation of Penal Code 245, subdivision (a)(4). Steve M. admitted to all three counts on August 5, 2014. The juvenile court terminated the camp community placement program order and placed appellant home for 90 days on a trial probation period pending ultimate disposition. Steve M. was ordered to submit to electronic surveillance through an ankle monitor. The court warned Steve M. that any further probation violations or new offenses would result in a commitment order to the Juvenile Facilities Division of the California Department of Corrections and Rehabilitation. Steve M. indicated he understood the ramifications.

Steve M. left without permission twice during the time he was confined to his home. In the early morning hours of August 27, 2014, Steve M.'s sister notified his probation officer that Steve M. had cut off his ankle monitor and run away. Steve M. returned that afternoon and reported to his probation officer at 4:30 p.m. On September 7, 2014, Steve M. left the house without permission for approximately two hours. The probation officer believed Steve M. lied about where he was during that time.

The juvenile court ordered Steve M. committed to the Juvenile Facilities Division by order dated September 29, 2014. The court declared the maximum period of confinement to be seven years, eight months. Steve M. timely filed his appeal on October 7, 2014, and we appointed counsel to represent him on appeal.

DISCUSSION

Steve M.'s appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, on February 17, 2015, requesting we review the record on appeal for arguable issues. We notified Steve M. by letter that he could file a supplemental brief if he wished and have received no response. We have independently reviewed the record on appeal, and are satisfied that Steve M.'s appointed counsel fulfilled his duty, and that no arguable issues exist. (*Ibid.*; *People v. Kelly* (2006) 40 Cal.4th 106.)

DISPOSITION

The judgment is affirmed.

BIGELOW, P. J.

We concur:

FLIER, J.

GRIMES, J.