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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

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

2d Juv. No. B276848
(Super. Ct. No. 2016024143)
(Ventura County)

THE PEOPLE,

Plaintiff and Respondent,

v.

Y.W.,

Defendant and Appellant.

Y.W. appeals a judgment of the juvenile court entered after it sustained a wardship petition alleging assault with the intent to commit rape. (Welf. & Inst. Code, § 602; Pen. Code, § 220, subd. (a)(1).)¹ We affirm.

¹ All further statutory references are to the Penal Code.

FACTUAL AND PROCEDURAL HISTORY

In February, 2016, 17-year-old Y.W. lived with four other young men in a therapeutic group home in Santa Maria. Y.W. shared a bedroom with minor resident A.L.

L.W. was employed as a child care worker in the group home. She worked a 12-hour shift from 10:00 p.m. to 10:00 a.m.; her duties included helping the minors with homework, dinner, chores, and bedtime. L.W. was also employed as a juvenile institutions officer and for that employment received training in self-defense.

In the evening of February 5, 2016, Y.W. informed another resident, J.F., that A.L. planned to “attack” L.W. that night. Y.W. asked J.F. to “stop” A.L. from attacking her. J.F. agreed but did not think an assault would occur because A.L. “is not that dumb.”

Shortly after L.W. began her work-shift, Y.W. joined her in the kitchen and spoke to her. He accompanied her to the staff office, and continued to speak to her. He asked L.W. if she was familiar with martial arts; she replied that she was not and encouraged Y.W. to return to his bedroom.

Y.W. went to his bedroom but returned shortly and asked permission to use the bathroom. After using the bathroom, he went to the staff office and requested paper supplies for the bathroom. L.W. gave him the supplies.

For a third time, Y.W. appeared at the staff office and this time, complained of a headache. L.W. gave him medication and he returned to his bedroom.

Soon, as L.W. sat reading in the staff office, she saw “something flying into the office.” She retrieved the object and saw that it was a piece of clothing. When she walked into the

hallway to investigate, she saw A.L. approaching, wearing a face mask. He jumped on L.W. and wrapped his arm around her neck in a headlock, bending her body forward and down. They struggled for approximately 30 seconds, until L.W. employed her self-defense training and escaped his hold. A.L. then ran into his bedroom. L.W. noticed Y.W. standing in the hallway watching the assault. A surveillance video-recording reflected Y.W. pacing in the hallway prior to the assault on L.W.

L.W. went to the staff office and telephoned her supervisor and the Santa Barbara County Sheriff. She also heard Y.W. state to A.L.: “[Y]ou didn't follow through. You were supposed to get her to the ground.” At the adjudication hearing, the prosecutor played a recording of L.W.'s call to law enforcement.

Y.W. informed an investigating sheriff's deputy that A.L. had asked him twice to assist in raping L.W. Y.W. responded no and declined to help. Y.W. later provided a written statement stating that A.L. stated that he liked L.W. and “want[ed] to rape her.” Y.W. later wrote to L.W. and apologized “for what [he] (Y.W.) did.”

Following a contested adjudication hearing, the juvenile court sustained the allegations in the wardship petition regarding count 1, assault with the intent to commit rape, but not count 2, battery. The court declared the offense a felony. At the disposition hearing, the court declared Y.W. a ward of the court, and ordered him suitably placed with a maximum term of confinement of six years.

Y.W. appeals and contends that there is insufficient evidence that he aided and abetted A.L.

DISCUSSION

Y.W. argues that there is insufficient evidence that he specifically intended to, or did aid and abet A.L. in committing the assault. He points out that mere presence at the scene of a crime or the failure to prevent it does not establish aiding and abetting. (*People v. Swanson-Birabent* (2003) 114 Cal.App.4th 733, 744.) Y.W. asserts that the evidence permits the reasonable inference that he acted only to *prevent* A.L. from assaulting L.W.

In reviewing the sufficiency of evidence to support a conviction, we examine the entire record and draw all reasonable inferences therefrom in favor of the judgment to determine whether there is reasonable and credible evidence from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. (*People v. Rangel* (2016) 62 Cal.4th 1192, 1212; *People v. Johnson* (2015) 60 Cal.4th 966, 988.) Our review is the same in a prosecution primarily resting upon circumstantial evidence. (*Johnson*, at p. 988; *People v. Watkins* (2012) 55 Cal.4th 999, 1020.) We do not redetermine the weight of the evidence or the credibility of witnesses. (*People v. Albillar* (2010) 51 Cal.4th 47, 60; *People v. Young* (2005) 34 Cal.4th 1149, 1181 [“Resolution of conflicts and inconsistencies in the testimony is the exclusive province of the trier of fact”].) We must accept logical inferences that the trier of fact might have drawn from the evidence although we would have concluded otherwise. (*In re V.V.* (2011) 51 Cal.4th 1020, 1026.) If the circumstances reasonably justify the trier of fact's findings, reversal of the judgment is not warranted simply because the circumstances might also reasonably be reconciled with a contrary finding. (*Ibid.*) Our review of a minor's substantial evidence claim is

governed by the same standard applicable to adult criminal cases. (*Ibid.*)

A person may be liable for a criminal act as an aider and abettor. (§ 31 [“principals” in a crime include those who "aid and abet in its commission, or, . . . have advised and encouraged its commission"]; *People v. Carrasco* (2014) 59 Cal.4th 924, 968-969; *People v. Delgado* (2013) 56 Cal.4th 480, 486.) An aider and abettor must act with knowledge of the direct perpetrator's unlawful intent and with an intent to assist in achieving those unlawful ends, and his conduct must in fact facilitate commission of the crime. (*People v. Lopez* (2013) 56 Cal.4th 1028, 1069, overruled on other grounds by *People v. Rangel*, *supra*, 62 Cal.4th 1192, 1216; *Delgado*, at p. 486.) “[A]n aider and abettor will 'share' the perpetrator's specific intent when he or she knows the full extent of the perpetrator's criminal purpose and gives aid or encouragement with the intent or purpose of facilitating the perpetrator's commission of the crime.” (*People v. Beeman* (1984) 35 Cal.3d 547, 560.)

Sufficient evidence supports the findings that Y.W. knew of A.L.’s criminal purpose and intended to, and did aid and abet him. A.L. informed Y.W. that he “liked” L.W. and wanted “to rape her.” After L.W. escaped A.L.’s headlock, Y.W. stated to A.L. that he “didn’t follow through” because he did not “get her to the ground.”

Beforehand, Y.W. asked J.F. if he would intervene and defend L.W. J.F. replied that he would, but did not think A.L. would attempt the crime. When J.F. and the other residents were asleep, Y.W. went to the staff office three times and then paced the hallway for several minutes prior to the assault. This evidence permits the reasonable inference that Y.W. acted as a

“lookout,” arguably making L.W. less wary of an assault. Indeed, A.L. approached L.W. as she was quietly reading in the staff office. During the assault, Y.W. walked casually past J.F. as he lay asleep; Y.W. did not alert other residents or attempt to summon aid. Y.W. also later wrote a letter of apology to L.W. for “what [he] did.”

Although Y.W. draws different reasonable inferences from the evidence, we do not substitute our views for those drawn by the trier of fact. (*In re V.V.*, *supra*, 51 Cal.4th 1020, 1026.) Whether a defendant aided and abetted a crime is a factual question, and on appeal, all conflicts in the evidence and all reasonable inferences are resolved in favor of the judgment. (*People v. Mitchell* (1986) 183 Cal.App.3d 325, 329.)

The judgment is affirmed.

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GILBERT, P. J.

We concur:

PERREN, J.

TANGEMAN, J.

Kevin J. McGee, Arthur A. Garcia, Judges

Superior Court County of Ventura

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