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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE, Plaintiff and Respondent, v. DARRICK TYRONE MOSE, Defendant and Appellant.	2d Crim. No. B241410 (Super. Ct. No. 2010007194) (Ventura County)

Darrick Tyrone Mose was ordered, as a term of probation, not to coach youth sports after pleading guilty to felony possession of cocaine base for sale. (Health & Saf. Code, §11351.5.) Appellant appeals, contending that the "no coaching" condition is unreasonable and should be stricken. We affirm.

Facts

On February 26, 2012, Oxnard police executed a warrant to search appellant's apartment and found 17 baggies of cocaine hidden in the door bell, a locked safe, $565 cash, and three cell phones. One of the cell phones had a text message for a narcotics sale. Before the warrant was executed, officers observed appellant in the street selling drugs.

Appellant denied that he was a cocaine user but tested positive for cocaine. Appellant claimed the cocaine belonged a friend (Ivan) and that he was hiding it in exchange for forgiveness of a debt.

In a letter to the court, appellant said that he was "hanging out with the wrong crowd" but coached youth sports at junior high school and high school. Appellant said that coaching "keeps me well occupied" and gives him the opportunity to "practice what I preach to the kids . . . ." Other letters to the court stated that the kids appellant coached looked up to appellant as a role model.

The prosecution argued that appellant should be precluded from coaching youth sports and noted that appellant had committed other probation violations and was on probation (maintaining a place where narcotics were sold) when he committed the present offense. The probation report listed appellant's history of drug-related activities and probation violations: failure to report to probation, failure to submit to drug tests, testing positive for cocaine on two occasions, failure to register as a drug offender, not paying restitution, and failure to obey all laws.

No Coaching Term

Appellant contends that the no coaching term is unreasonable and was imposed because the trial court believed parents would not like their kids to be coached by a person convicted of possessing drugs for sale. Probation is a privilege, not a right. (*People v. Bravo* (1987) 43 Cal.3d 600, 608-609.) Trial courts have broad discretion in fashioning probation conditions to foster defendant's rehabilitation, protect the public, and to ensure that justice is done. (Pen. Code, § 1203.1, subd. (j); *People v. Smith* (2007) 152 Cal.App.4th 1245, 1249; *Brown v. Superior Court* (2002) 101 Cal.App.4th 313, 319.)

The no coaching term was reasonably related to the offense, to deter future criminality, and to protect the public. Appellant had 17 baggies of cocaine in his house, three cell phones, and was maintaining a place to sell drugs where, according to appellant's letter, an autistic child lived. Appellant was also coaching highly impressionable kids at junior high school and high school to keep himself "occupied."

The trial court reasonably concluded that the no coaching term was necessary to protect children and to deter appellant from reoffending. Appellant had a lengthy drug history and committed the current offense while on probation for maintaining a place where narcotics are sold. The no coaching term was reasonable to

deter appellant from committing drug-related crimes on school grounds that could involve impressionable children within appellant's sphere of influence. (E.g., selling or giving controlled substance to a minor (Health & Saf. Code, § 13353.5); sale of controlled substance within 1,000 feet of school (Health & Saf. Code, § 11353.6); use of a minor to transport, sell or give away narcotics (Health & Saf. Code, § 11361).)

"A condition of probation will not be held invalid unless it '(1) has no relationship to the crime of which the offender was convicted, (2) relates to conduct which is not in itself criminal, and (3) requires or forbids conduct which is not reasonably related to future criminality . . . .' [Citation & fn. omitted.] Conversely, a condition of probation which requires or forbids conduct which is not itself criminal is valid if the conduct is reasonably related to the crime of which the defendant was convicted or to deter future criminality." (*People v. Lent* (1975) 15 Cal.3d 481, 486.)

Appellant makes no showing that the no coaching term is arbitrary, capricious, or exceeds the bounds of reason. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1121.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

James P. Cloninger, Judge

Superior Court County of Ventura

California Appellate Project, under appointment by the Court of Appeal, Jonathan B. Steiner, Executive Director and Richard B. Lennon, Staff Attorney for Defendant and Appellant.

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