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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re F.H., a Person Coming Under
the Juvenile Court Law.

2d Juv. No. B295465
(Super. Ct. Nos. PJ52535, PJ52251)
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

F.H.,

Defendant and Appellant.

F. H. appeals orders of the juvenile court sustaining the allegations of a Welfare and Institutions Code section 602 petition, declaring him a ward of the court, and placing him in community camp. Among other things, we conclude that sufficient evidence exists that F.H. carried a firearm in a public place. (Pen. Code, § 25850, subd. (a).)¹

¹ All further statutory references are to the Penal Code.

This appeal concerns the arrest of 16-year-old F.H. within the common area of a large apartment complex after police officers observed him tossing a handgun to the ground near a rock garden. The incident was captured in part by an officer's body camera. Officers recovered the handgun which contained one bullet in its chamber. F.H. challenges the public nature of the area where he was arrested, as well as the court-imposed restriction concerning his association with the "Pacoima Project Boys" criminal street gang members. We reject these contentions and affirm.

FACTUAL AND PROCEDURAL HISTORY

Shortly after midnight on October 5, 2018, Los Angeles Police Officers Miguel Zendejas and Jose Organista were patrolling the Pacoima Project apartment complex in Pacoima. Zendejas conducted frequent "foot beats" in the complex and knew the project was home to the Pacoima Project Boys criminal street gang. The apartment complex consisted of many buildings spanning several neighborhood blocks with numerous open entrances throughout. The complex also contained a playground that nonresidents visited; Zendejas testified that "[a]nyone can come in" the complex. As an example, Zendejas stated that an ice cream vendor sometimes parked in the complex parking lot.

Zendejas testified that on October 5, 2018, he and Organista were searching for another juvenile whose parents had solicited police assistance. The officers saw F.H. in between two of the apartment buildings walking toward their marked patrol car. Suddenly, F.H. ran in another direction. The officers gave chase on foot and, minutes later, they saw F.H. and the juvenile for whom they were searching. F.H. then tossed an object near a rock garden. Zendejas heard a metal noise that he recognized as a firearm hitting a hard surface.

Organista ordered F.H. to stop and he complied. The officers then took him and the other juvenile into custody. Zendejas recovered the firearm, which was a working firearm with a five-inch barrel. The serial number appeared to have been damaged or removed. The firearm

contained a live round in the chamber. A later search of law enforcement data systems revealed that F.H. did not possess any registered firearms.

Adjudication and Disposition

The juvenile court sustained the allegations of the petition alleging the carrying of a loaded unregistered firearm in a public place (count 1), and possession of a firearm by a minor (count 2). (§§ 25850, subd. (a), 29610.) The court also revoked the grant of a deferred entry of judgment regarding a previous petition. It then declared F.H. a ward of the court and ordered his placement in community camp for five to seven months. The court also declared a maximum physical confinement of six years.

F.H. appeals and contends that: 1) there is insufficient evidence that he carried a firearm in a public place, and 2) the juvenile court abused its discretion by restricting his association with the Pacoima Project Boys. F.H. also requests that we review the police personnel files examined by the juvenile court in camera pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*) to determine whether the court abused its discretion by denying disclosure of any police complaints.

DISCUSSION

I.

F.H. argues that there is insufficient evidence that he unlawfully possessed a weapon in a public place pursuant to section 25850, subdivision (a).

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. Brooks* (2017) 3 Cal.5th 1, 57; *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.) 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. (*People v. Streeter* (2012) 54 Cal.4th 205, 241.) “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.” (*Albillar*, at p. 60.) Moreover, the testimony of a single witness is sufficient to prove a fact. (*People v. Richardson* (2008) 43 Cal.4th 959, 1030-1031.) This standard of review also applies in juvenile matters. (*In re M.S.* (2019) 32 Cal.App.5th 1177, 1185.)

The sufficiency of evidence in a particular case depends upon the factual circumstances in that case. (*People v. Thomas* (1992) 2 Cal.4th 489, 516.) A finding of sufficiency in one case does not suggest that weaker factual circumstances in another case will not support a conviction. (*Ibid.*) In our review, we focus upon the evidence that was presented, rather than evidence that might have been but was not presented. (*People v. Story* (2009) 45 Cal.4th 1282, 1299.)

Section 25850, subdivision (a) punishes the carrying of a loaded firearm on the person or in a vehicle “while in any public place or on any public street.” Whether a particular location is a public place depends upon the totality of circumstances in each case. (*People v. Strider* (2009) 177 Cal.App.4th 1393, 1401.) The term generally means a location readily accessible to all those who wish to go there. (*Ibid.*) The question becomes whether a member of the public can go there without challenge. (*Ibid.*)

Judicial decisions have routinely held that, depending upon the circumstances, private property may constitute a public place. (*People v. Strider, supra*, 177 Cal.App.4th 1393, 1401-1405 [collecting decisions]; *People v. Perez* (1976) 64 Cal.App.3d 297, 301 [apartment building hallway is a public place because it was open to all those who wished to enter].) “Hallways and stairways of multiple dwellings are open to delivery men, service men, solicitors, visitors and other strangers, whether those

hallways are interior or exterior to the buildings, and are therefore public places” (*Perez*, at p. 301.)

Sufficient evidence exists that the Pacoima Project apartment complex was a public place. The complex comprised several neighborhood blocks and had numerous open entrances. The walkways and parking areas were open to the public. Zendejas testified that neighbors entered the complex to use the playground and an ice cream vendor parked in the parking lot to invite patronage. Zendejas patrolled the apartment complex as his frequent “foot beat[]” and testified from his personal knowledge of the complex. The trial court’s finding that the complex was a public place within the meaning of section 25850, subdivision (a) rests upon sufficient evidence.

II.

F.H. asserts that the juvenile court abused its discretion by ordering, over defense objection, that he “must not knowingly associate, communicate, or be around anyone that [he] know[s] is a member of the Pacoima Project Boys.”

The juvenile court may impose all reasonable conditions directed to the reformation and rehabilitation of a ward. (*In re Edward B.* (2017) 10 Cal.App.5th 1228, 1232.) A probation condition that would be unconstitutional or otherwise improper for an adult probationer may be permissible for a minor under supervision of the juvenile court. (*Id.* at pp. 1232-1233.) “ ‘[A] condition of probation which requires or forbids conduct which is not itself criminal is valid if that conduct is reasonably related to the crime of which the defendant was convicted or to future criminality.’ ” (*Id.* at p. 1233.) We review the court’s probation conditions for an abuse of discretion. (*Id.* at p. 1232.)

The juvenile court did not abuse its discretion by restricting F.H.’s association with this street gang. The probation report reflects that F.H.’s father believed F.H.’s poor behavior stemmed from gang influence and that F.H. associated with a Pacoima gang. The probation report also noted that F.H. carried a loaded firearm as he accompanied a known Pacoima Project

Boys gang member. The report stated that the area was known for gang shootings. Moreover, at the disposition hearing, the investigating police officer stated that in his opinion as a gang expert, gang members at the Pacoima Project are Pacoima Project Boys. Thus, the condition limiting F.H.'s association rests upon sufficient evidence and was tailored to meet F.H.'s needs for rehabilitation.

III.

F.H. also requests that we review the juvenile court's January 14, 2019, *Pitchess* proceedings to determine whether the court abused its discretion in finding no discoverable evidence. The Attorney General does not object. F.H. sought the personnel records of Officers Zendejas and Organista. The court then conducted an in camera hearing regarding fabrication of evidence and false police reports. After reviewing the records, the court concluded that there was no discoverable information.

We have reviewed the sealed hearing transcript and conclude the juvenile court properly followed *Pitchess* procedures. The court placed the custodian of records under oath and a court reporter transcribed the proceedings. The court ordered the transcript sealed and made a detailed record of the documents it reviewed. (*People v. Mooc* (2001) 26 Cal.4th 1216, 1226, 1229 [trial court should make a record of the documents it examined before ruling on the *Pitchess* motion and can do so by describing them on the record]; *People v. Bipialaka* (2019) 34 Cal.App.5th 455, 462 [same].) The court did not abuse its discretion by concluding that there was no relevant evidence to be disclosed.

The orders are affirmed.

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GILBERT, P. J.

We concur:

PERREN, J.

TANGEMAN, J.

Fred J. Fujioka, Judge

Superior Court County of Los Angeles

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Appeal, for Defendant and Appellant.

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