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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

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

B242181
(Los Angeles County
Super. Ct. No. NJ26195)

THE PEOPLE,

Plaintiff and Respondent,

v.

J.B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Deborah B. Andrews, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

J.B. appeals from the order of wardship (Welf. & Inst. Code, § 602) entered as a result of the juvenile court's finding he committed the misdemeanor of possessing marijuana on school grounds (Health & Saf. Code, § 11357, subd. (e)). The juvenile court placed J.B. at home on probation. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

At adjudication proceedings held on June 18, 2012, counsel for 16-year-old J.B. made a motion to dismiss the matter indicating that J.B. had, as previously ordered by the court, raised some of his grades and gone to counseling. Counsel further emphasized that J.B. "has had no other cases in regards to contact with the law"¹ The juvenile court denied the motion and the hearing proceeded.

The evidence established that on February 11, 2011, Robert Morones was a campus security officer at the high school attended by J.B. During the morning hours of that day, Morones went into the "400" building boys' restroom. There, he saw three students and, in the last stall, he saw J.B. "pop[] his head up over the . . . wall." Morones walked toward the stall and, when J.B. opened the door, Morones observed what appeared to be a "joint" on the floor. The joint was rolled up and closed, but looked "sloppy," like a "Mickey-Mouse job."

Morones called for "backup" and detained J.B. Morones and the other officers then escorted J.B. to the office. There, Morones inspected J.B.'s backpack. From the

¹ Although J.B. had no other arrests, he had been cited for loitering.

pack, he pulled out a “large . . . plant-looking branch.” Morones then gave the joint and the plant material to another officer.

Detective Sandra Ann Benskin is a “youth services detective for the Long Beach Police Department.” On February 11, 2011, she observed J.B. in the school’s office. Officer Morones was also there. The officer stepped out of the office for a moment and handed to Benskin “items of evidence.”

Benskin then went into the office and, after advising him of his rights under *Miranda*,² asked J.B. if he wished to speak with her. J.B. indicated that he understood his rights, that he was willing to waive them and that he would speak with the detective. He then told Benskin that he had gotten the plant out of someone’s backyard. After putting it in his backpack, he continued on to school. At school, he went into the bathroom and attempted to smoke some of it.

Gregory Gossage is a criminalist for the City of Long Beach, assigned to the Long Beach Police Department. Gossage has been analyzing controlled substances for approximately 12 years. During that time, he had analyzed over 10,000 samples containing marijuana.

On or about February 18, 2011, Gossage received an envelope containing evidence pertaining to J.B.’s case. Gossage performed “chemical-color test[s]” and microscopic examination of two separate items, a Ziploc bag containing 9.251 grams of

² *Miranda v. Arizona* (1966) 384 U.S. 436.

plant material later determined to contain marijuana and a cigarette containing .139 grams of a substance containing marijuana.

Following argument by the parties, the juvenile court indicated that, in its view, “the People [had] more than met their burden and demonstrated beyond a reasonable doubt that the minor . . . violated Health and Safety Code section 11357[, subdivision] (e), by being in possession of marijuana on school grounds.” The court continued, “I don’t think there’s any issue in the court’s mind. It’s way beyond a reasonable doubt. The court finds count 1 is true.” After ordering that the exhibits not be destroyed for six months because J.B. intended to file an appeal, the juvenile court sustained the petition and found that J.B. was a person “described by Welfare and Institutions Code section 602.”

The parties agreed that the matter should be disposed of that day. While the People submitted the matter on the record, defense counsel asked that J.B. be placed on probation for a period not to exceed six months. (See Welf. & Inst. Code, § 725, subd. (a).)

The juvenile court indicated that it had read and considered J.B.’s three probation reports and that, although J.B. already had over nine months to accomplish what the court had ordered, he had been unable to do so. Accordingly, the juvenile court declared J.B. a ward of the court pursuant to Welfare and Institutions Code section 602 and placed his “care, custody, control and conduct . . . under the supervision of the Probation Department. He [was, however,] permitted to remain in the home of his mother.” The juvenile court then addressed J.B. and stated, “[Y]ou’re on probation and, [J.B.], the

orders that the court made before, you have to follow those orders. . . . [¶] You should never have had to get to this point of having an adjudication.” The juvenile court then reiterated for J.B. the terms of his probation, including that he was to pay \$50 to the state restitution fund.

When defense counsel asked the juvenile court if J.B. could simply pay the maximum fine of \$250 in lieu of being placed on probation, the court, after commenting that J.B. had “lots of truancies and behavioral issues at school,” denied counsel’s request. The juvenile court stated that it was not ordering that “he pay the maximum fine.” The court stated, “It is a \$50 fine. He should be on probation because of the issues.”

On June 25, 2012, J.B. filed a timely notice of appeal from the juvenile court’s orders.

CONTENTIONS

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record.

By notice filed November 6, 2012, the clerk of this court advised J.B. to submit within 30 days any contentions, grounds of appeal or arguments he wished this court to consider. No response has been received to date.

REVIEW ON APPEAL

We have examined the entire record and are satisfied counsel has complied fully with counsel’s responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

DISPOSITION

The order of wardship (Welf. & Inst. Code, § 602) is affirmed.

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CROSKEY, J.

We concur:

KLEIN, P. J.

ALDRICH, J.