Filed 3/28/16 In re Emanuel A. CA2/1

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re EMANUEL A., a Person Coming Under the Juvenile Court Law	B267251
THE PEOPLE, Plaintiff and Respondent, v. EMANUEL A., Defendant and Appellant.	(Los Angeles County Super. Ct. No. FJ52704)

APPEAL from a judgment of the Superior Court of Los Angeles County. Benjamin R. Campos, Commissioner. Affirmed.

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Stephen Borgo, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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A petition filed pursuant to Welfare and Institutions Code section 602 charged appellant Emanuel A. with one count of indecent exposure. (Pen. Code, § 314, subd. 1.)[1] The juvenile court found the allegation true and sustained the petition. The court released appellant to his parents and placed him on six months probation. Appellant appealed.

We appointed counsel to represent appellant. Counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, raising no issues on appeal and requesting that we independently review the record to determine if the lower court committed any error. We directed appointed counsel to send the record on appeal and a copy of the opening brief to appellant. We notified appellant that within 30 days from the date of the notice that he could submit by brief or letter any grounds of appeal, contentions, or argument he wished us to consider. We received no response from appellant.

The record reveals the following facts. In December 2014, appellant was a 17-year-old high school senior. Jamie Beltran was his math teacher. At the jurisdictional hearing, Beltran testified about three incidents involving appellant that occurred that month. During the first incident, Beltran was teaching a class of approximately 30 students, including appellant. Beltran saw appellant's hands in his pocket and his pant's zipper or "fly" open. She noticed appellant's penis and looked away. Beltran decided to "let it go" and give appellant "the benefit of the doubt, like he didn't mean for [her] to see that."

In the second incident, appellant was sitting at his desk when Beltran noticed appellant's fly was open and thought she saw his erect penis, but she "wasn't sure." Beltran immediately emailed her supervisors to have them talk to appellant about the incident. She resumed teaching the class.

The third incident occurred on December 17, 2014. Beltran approached appellant's desk in the back of the classroom. Appellant had his arms outstretched and

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[1] Under Penal Code section 314, subdivision 1, a "person who willfully and lewdly" "[e]xposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby" is guilty of a misdemeanor.

his chair was leaning back. His fly was open and his erect penis was protruding from his pants. Appellant looked up at Beltran, who "was sure" he was showing his erection to her "on purpose." Beltran, "frazzled and traumatized," emailed and texted the assistant principal. The assistant principal came into the classroom and escorted appellant outside.

Appellant testified that he recalled the assistant principal asking him to leave the classroom. When appellant got up from his seat, he noticed he had accidentally left his zipper open. He had not had an erection that day or during any of Beltran's classes.

The court found the allegation in the petition true and, at a subsequent disposition hearing, placed appellant on six months probation subject to specified conditions.

Beltran's testimony constitutes sufficient evidence to sustain the court's finding that appellant violated Penal Code section 314, subdivision 1. The court was authorized to impose six months probation (Welf. & Inst. Code, § 725, subd. (a)) and the conditions of probation are within the court's discretion (see *In re Walter P.* (2009) 170 Cal.App.4th 95, 100 [juvenile courts have broad discretion in fashioning probation conditions]). We find no legal basis for reversing the judgment.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende*, *supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur:

CHANEY, J.

LUI, J.