

Filed 12/3/18 In re Samantha C. CA24

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re SAMANTHA C. et al., Persons
Coming Under the Juvenile Court
Law.

B288663

(Los Angeles County
Super. Ct. No. 17 CCJP00947)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

FRANCISCO C.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles
County, Frank J. Menetrez, Judge. Dismissed.

Francisco C., in pro. per.; and Paul A. Swiller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Francisco C. is the father of Samantha C., Anthony C., and Jimena C. The juvenile court declared the children dependents of the court based on Francisco's excessive physical abuse of Jimena, removed the children from Francisco's care and custody, ordered them to remain with their mother Maria C., signed custody orders granting mother sole legal and sole physical custody, with monitored visits for Francisco, and terminated juvenile court jurisdiction over the children. Francisco appeals these findings and orders.

After this court appointed counsel to represent him, appellate counsel examined the entire record on appeal and then filed an opening brief stating that he found no arguable issues. (See *In re Phoenix H.* (2009) 47 Cal.4th 835, 845 ["[c]ounsel appointed to represent an indigent parent on appeal from a ruling affecting parental rights does not have an obligation to challenge the judgment if there is no colorable basis for such a challenge"].) Appellate counsel advised Francisco of his evaluation of the record, provided him with the appellate record and a copy of his opening brief, and advised him that this court may provide him an opportunity to file a supplemental brief on his own behalf.

Francisco then filed a supplemental brief, stating that the juvenile court's order was "based on incomplete reports, wrong, fraudulent misleading information." Throughout his brief, he accuses mother, the children, and the Los Angeles County Department of Children and Family Services social worker of

lying, but he does not identify any legally cognizable error in the juvenile court's orders. (See *In re Jordan R.* (2012) 205 Cal.App.4th 111, 135 [in determining whether jurisdiction findings are supported by substantial evidence, appellate court "do[es] not reweigh evidence, evaluate the credibility of witnesses or resolve evidentiary conflicts"]; accord, *T.W. v. Superior Court* (2012) 203 Cal.App.4th 30, 47 ["[w]e defer to the juvenile court's findings of fact and assessment of the credibility of witnesses"].) The juvenile court found the "evidence overwhelmingly supports" the sustained findings, and rejected Francisco's "position that it is all fabricated" as implausible. Moreover, citing the sustained counts and the evidence supporting them as well as Francisco's "complete denial" of the facts, the juvenile court determined "there is more than easily clear and convincing evidence" to support orders removing the children from Francisco's custody. Francisco's supplemental brief fails to show good cause that an arguable issue exists. (*In re Phoenix H.*, *supra*, 47 Cal.4th at p. 843.)

We have reviewed father's supplemental brief and, out of an abundance of caution, we also have independently reviewed the record. Our review confirms father's counsel's determination that no arguable issues exist. Accordingly, we dismiss the appeal.

DISPOSITION

The appeal is dismissed.

MICON, J.*

We concur:

MANELLA, P. J.

COLLINS, J.

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.