Filed 2/19/13 In re R.F. CA2/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re R.F., a Person Coming Under the Juvenile Court Law. THE PEOPLE, Plaintiff and Respondent, v. R.F., Defendant and Appellant.	B240446 (Los Angeles County Super. Ct. No. FJ49448)

APPEAL from an order of the Superior Court of Los Angeles County, Steve Klaif, Referee. Affirmed.

Jasmine Patel, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Paul M. Roadarmel, Jr., and Steven D. Matthews, Deputy Attorneys General, for Plaintiff and Respondent.

R.F. (minor) appeals from the juvenile court's order of wardship pursuant to Welfare and Institutions Code section 602, following its finding that minor committed a robbery. (Pen. Code, § 211.) He contends the evidence was insufficient to establish that a robbery had occurred. We affirm.

STATEMENT OF FACTS

Jairo Chinchilla and his mother were on the sidewalk on Hoover Street when he saw minor and three other males walking toward him. Chinchilla moved to the side to give the group room to walk past. Suddenly, minor snatched a chain Chinchilla had around his neck. Chinchilla felt the force of the taking and for "like two seconds" was in fear.[1] He suffered a scratch on his neck from the chain being removed that "was kind of bleeding, but not that much." Chinchilla chased minor, assisted by a tow truck driver who had witnessed the incident. Minor got into a brown van and Chinchilla wrote down the vehicle's license plate number. He returned home with his mother and called the police.[2]

Los Angeles Police Department Detective Chris Chavez spoke to minor after advising him of his *Miranda* rights.[3] Minor told Chavez that he was in a van with some friends when they saw Chinchilla walking on the sidewalk. Minor and his friends noticed Chinchilla's chain and minor's friends planned how they were going to take it. Minor denied being the person who took the chain from Chinchilla's neck.

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[1] On cross-examination he stated that he was in shock, but was not afraid.

[2] Chinchilla later identified minor's picture from a photographic lineup.

[3] *Miranda v. Arizona* (1966) 384 U.S. 436.

DISCUSSION

Minor urges that "[i]n order to support a finding of robbery by force, as opposed to theft, the evidence must show that more force was used than necessary to accomplish the taking itself." He reasons that because he utilized no additional force beyond that necessary to remove the victim's chain, he is guilty of theft, not robbery. We disagree.

When resolving a challenge to the sufficiency of the evidence, we utilize the same standard of review in juvenile and adult cases. (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 540.) We examine the record in the light most favorable to the judgment to determine whether the fact finder's determination is supported by substantial evidence. (*People v. Clark* (2011) 52 Cal.4th 856, 943.) Substantial evidence is "evidence which is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt." (*People v. Johnson* (1980) 26 Cal.3d 557, 578.)

Penal Code section 211 defines robbery as "the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear." The amount of force required for a robbery must "at the very least . . . be a quantum more than that which is needed merely to take the property from the person of the victim." (*People v. Wright* (1996) 52 Cal.App.4th 203, 210.) "'Where property is snatched from the person of another . . . the crime amounts to robbery.' [Citations.]" (*People v. Lescallett* (1981) 123 Cal.App.3d 487, 491.) A case illustrating this principle is *People v. Roberts* (1976) 57 Cal.App.3d 782, 787 (*Roberts*), disapproved of on another ground in *People v. Rollo* (1977) 20 Cal.3d 109, 120, footnote 4. In *Roberts*, the defendant grabbed the victim's handbag and pulled it with sufficient force to snap the bag off the handle. On appeal, the defendant argued the evidence was insufficient to sustain the robbery conviction. The court disagreed. "Certainly, the evidence that the purse was grabbed with such force that the handle broke supports the jury's implied finding that [the requisite force for a robbery] existed." (57 Cal.App.3d at p. 787.)

Minor attempts to distinguish *Roberts* by arguing that the force used to take the victim's purse in that case was more than that needed to break Chinchilla's chain. Even were we to accept that premise, minor's argument fails. The *Roberts* court did not purport to establish the minimum amount of force necessary to elevate a theft to a robbery. The issue we must resolve is whether the taking of Chinchilla's chain was accomplished by means of force. It was. The chain was not simply taken from Chinchilla. The jewelry was forcibly removed from his body. Indeed, had the chain not broken, Chinchilla would have been able to retain it. As a result of the taking, the victim suffered an injury and this fact establishes that minor used the requisite force necessary to commit the crime of robbery. (See *People v. Jones* (1992) 2 Cal.App.4th 867, 869 [robbery conviction affirmed where use of force caused one of victim's fingers to bleed and a "little" injury to her shoulder].) "Although the [injury was] minor, the inference that force was used is compelling." (*Id.* at p. 871.) We conclude substantial evidence supports the juvenile court's finding that minor's conduct constituted a robbery.[4]

DISPOSITION

The order of wardship is affirmed.

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SUZUKAWA, J.

We concur:

WILLHITE, Acting P. J. MANELLA, J.

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[4] Given our conclusion, we need not address minor's claim that the taking was not accomplished by fear.