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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re Tyler M., a Person Coming Under the
Juvenile Court Law.

B266537

THE PEOPLE,

(Los Angeles County
Super. Ct. No. VJ43054)

Plaintiff and Respondent,

v.

TYLER M.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.

Irma J. Brown, Judge. Affirmed.

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

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Steven D. Matthews and David E. Madeo, Deputy Attorneys General, for Plaintiff and Respondent.

The juvenile dependency court sustained a petition (Welf. & Inst. Code, § 602) alleging that appellant Tyler M. committed the offense of second degree robbery (Pen. Code, § 211) and that the victim was over 65 years old (Pen. Code, § 667.9, subd. (a)). The court placed Tyler in a camp-community program for five to seven months. On appeal, Tyler acknowledges that a robbery occurred, but contends the court's findings as to her commission of the offense may only be based upon an aiding and abetting theory, and that the evidence does not support a finding that she aided and abetted the robbery. We affirm.

FACTS

The Robbery

On April 24, 2015, about 12:30 p.m., then 78-year-old Lidia Zelaya Vargaz was waiting on a bus bench when a minor female sat down next to her, and two or three other minor females stood behind the bench. The minor who sat down on the bench appeared to be a student because she had a bag with school items; the other minors also appeared to be attending school. One of the minors had a “pretty” purse with an adornment on the top; she was wearing a t-shirt that said “New York.” Vargaz was holding her purse with her forearm through the straps. It contained \$225 in cash, her identification cards, and a coin holder. At the adjudication hearing on Tyler's petition,¹ Vargaz could not identify any of the minor females who had been at the bus stop with her.

After about 10 to 20 minutes, Vargaz “noticed a big large hand grabbing [her] bag.” Vargaz's purse was “forced . . . right behind [her],” and she fell to the ground and had to let go of her purse. She began yelling that someone that had “snatched” her purse.

Alondra Becerra saw three girls running down the street, then saw and heard Vargaz yelling that “they” had stolen her purse. Vargaz was pointing in the direction that the three girls were running. Alondra called the police, then followed on foot in the

¹ The adjudication hearing involved three separate juvenile petitions, the one as to Tyler, another as to A.H. and the third as to Zaria O. The appeal before us here only involves the juvenile court's decision on the petition as to Tyler. As we noted below, the other minors, along with Tyler, were identified during the hearing by another witness.

direction that the girls had run. Alondra found Vargaz's purse along the path that the girls had run. Alondra lost sight of two of the girls when one broke off, and Alondra kept following the one girl. After a couple of turns, Alondra saw a police officer "arrest" the girl that Alondra had been following. Later, Alondra identified the three girls at a field show-up based on their clothing. At the adjudication hearing, Alondra identified Zaria O. (see footnote 1, *ante*) as one of the girls she had seen running away from the Vargaz robbery.

Alondra's mother, Martina Becerra, was also at the scene. She talked to Vargaz who said that she had been robbed and pointed toward a group of girls running from the scene. Martina saw four people running away, one of whom was possibly a male with his head covered by a sweatshirt and who had gone in between some houses. Martina got in her car and followed after the group of fleers. At some point, one of the girls went in a different direction from the other two, and Martina continued to follow the two other girls, taking a series of photographs as she went. After a short while, the police stopped the two girls.

Alvaro Espinoza was across the street from the bus stop, and saw Vargaz trying to get up from the ground and saw several teenagers running away. After checking to make sure that Vargaz was all right, Espinoza got in his car and went looking for the suspects. In a field line-up on the day of the Vargaz robbery, Espinoza identified Tyler, along with Zaria O. and A.H. (see footnote 1, *ante*) as the girls he saw running from Vargaz. At the adjudication hearing on Tyler's petition, Espinoza identified Tyler, Zaria O., and A.H. as the girls he saw running from Vargaz.

About five to ten minutes after receiving a radio call of a robbery in the area, Inglewood Police Department (IPD) Officer Jonthan Rivers detained A.H. about two blocks from where Vargaz had been robbed.

IPD Officer Steve Romero interviewed Vargaz and Espinoza after the robbery. Vargaz told him that three females and one male surrounded her, and that multiple hands grabbed at her purse. Vargaz recognized a bag of one of the suspects, and saw one of the female suspects holding Vargaz's purse as the suspects fled. Espinoza reported that he

saw four suspects surround Vargaz, and that one of the suspects took Vargaz's purse. Officer Romero remembered a black purse with a gold medallion booked into evidence, but could not recall to whom the purse belonged.

The Juvenile Proceeding

In April 2015, the People filed a petition alleging that Tyler had committed the offense of robbery, with an allegation that the victim was born in 1936 and that Tyler knew or reasonably should have known of her condition. The petition was tried to the juvenile court in June 2015, at which time the prosecution presented evidence that established the facts summarized above. Tyler did not present evidence in her defense. Her counsel argued that the evidence did not prove that Tyler had grabbed Vargaz's purse, and that the showing of flight, which, according to counsel was essentially the whole of the prosecution's case against Tyler, was not sufficient to show her actual involvement in the robbery. At the conclusion of the hearing, the court found the allegation in the petition to be true. As stated by the court: "... I think it's fairly clear that they are acting together, they run together, they're apprehended together. One makes a statement about the others. So the court believes that even though there may be other inferences that could be drawn from the testimony that the only logical and reasonable inference is that the three minors were involved in the robbery of Ms. Vargaz"

Tyler filed a timely appeal.

DISCUSSION

Tyler acknowledges that a robbery occurred, and that she was in the location of the crime, but contends the juvenile court's findings that she committed the crime may only be based upon an aiding and abetting theory, and that the evidence is not sufficient to support a finding that she aided and abetted the robbery. We find the evidence is sufficient to support the juvenile court's findings.

We follow well-settled standards of review on reviewing a claim that a juvenile court's findings are not supported by sufficient evidence. The juvenile court was tasked with trying the facts, and, in that role, was the judge of the credibility of witnesses. On appeal, we do not act in a similar role; we cannot substitute our inferences for those of

the juvenile court's where its inferences are supported by the evidence. Further, we must view the evidence in the light most favorable to the juvenile court's findings, giving those findings the benefit of every reasonable inference from the evidence, and resolving all conflicts in the evidence in support of the juvenile court's findings. (See, e.g., *In re Joshua H.* (1993) 13 Cal.App.4th 1718, 1728; *In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) In short, when an appellate court is asked to assess the sufficiency of the evidence in support of a juvenile court's findings, its task is limited to determining whether, on the entire record, there is any substantial evidence, contradicted or uncontradicted, that supports the decision of the trier of fact. (*In re Rocco M.*, *supra*, 1 Cal.App.4th at p. 820.)

Tyler argues there is no evidence showing that she personally took Vargaz's purse, meaning that she could only have been found to have committed the robbery on an aiding and abetting theory. She further argues the evidence is insufficient to support criminal liability based on aiding and abetting principles because it does not show that she encouraged or acted in any way to support the commission of the robbery, or that she shared the intent of the others to commit the robbery. We are not persuaded that the evidence is insufficient to support the juvenile court's finding that Tyler participated in the robbery.

Criminal liability based on being an aider and abettor requires proof that (1) the direct perpetrator committed a crime; (2) the defendant acted with the intent or purpose of committing, encouraging, or facilitating commission of the crime; and (3) the defendant, by act or advice, aided, promoted, encouraged or instigated commission of the crime. (*People v. Perez* (2005) 35 Cal.4th 1219, 1225.) To abet a specific intent crime such as robbery, a person must "share the specific intent of the perpetrator," which means he or she "knows the full extent of the perpetrator's criminal purpose and gives aid or encouragement with the intent or purpose of facilitating the perpetrator's commission of the crime." (*People v. McCoy* (2001) 25 Cal.4th 1111, 1118, citing *People v. Beeman* (1984) 35 Cal.3d 547, 560.)

Because the aiding and abetting elements noted above are not always susceptible to direct proof, such as a defendant's confession, those elements may be determined from the circumstances of a crime, including, for example, the defendant's presence at the scene of the crime, companionship, conduct before and after the offense, and flight. (See, e.g., *In re Lynette G.* (1976) 54 Cal.App.3d 1087, 1094 (*Lynette*).) While proof of only one of these factors, standing alone, may be insufficient to establish that a defendant aided and abetted the commission of a charged offense, a combination of some or all of these factors may constitute sufficient evidence to support such a finding. For example, in *Lynette*, the Court of Appeal affirmed a juvenile court's finding that a minor aided and abetted the commission of a robbery based on evidence showing that the minor was with a group of three other girls, one of whom physically attacked the victim and took her purse and a bag. The minor fled the scene together with the other girls and was later found in their company. (*Lynette, supra*, 54 Cal.App.3d at pp. 1090-1091.)

Here, the circumstances of the robbery are similar, and support the inferences drawn by the juvenile court that Tyler intended to assist, and did assist, her associates in robbing Vargaz. It is not truly disputed that Tyler and two or three other girls, and also possibly a juvenile male, approached Vargaz as she sat on a bus bench. One or more of the girls grabbed Vargaz's purse from behind. Tyler and the other two girls ran away together, and, after a short distance, broke up and went in different directions. They were all detained within a matter of blocks from the robbery. Based on this evidence, the juvenile court reasonably inferred from Tyler's presence at the scene, and her conduct before, during, and after the robbery, that she knew of and shared the criminal intent to rob Vargaz, and that she aided, promoted, and encouraged the commission of the robbery.

Tyler's arguments attempting to distinguish *Lynette* do not persuade us to reach a different conclusion. In our view, the facts in *Lynette* and in Tyler's instant case are materially the same.

DISPOSITION

The judgment is affirmed.

BIGELOW, P.J.

We concur:

RUBIN, J.

FLIER, J.