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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re KENNETH G., a Person Coming
Under the Juvenile Court Law.

B231530
(Los Angeles County
Super. Ct. No. FJ46733)

THE PEOPLE,

Plaintiff and Respondent,

v.

KENNETH G.,

Defendant and Appellant.

THE COURT:*

Kenneth G., a minor, appeals from the order declaring him a ward of the court pursuant to Welfare and Institutions Code section 602,¹ by reason of his having committed two counts of misdemeanor sexual battery (Pen. Code, § 243.4, subd. (e)(1)), two lewd acts upon a child (Pen. Code, § 288, subd. (a)), and child molestation (Pen.

* DOI TODD, Acting P. J., ASHMANN-GERST, J., CHAVEZ, J.

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

Code, § 647.6, subd. (a)(1)). The juvenile court committed him to a treatment care center with a maximum term of confinement of 10 years 8 months.

FACTUAL AND PROCEDURAL BACKGROUND

The district attorney filed three separate section 602 petitions against appellant who was born on April 26, 1993. In the first petition filed January 8, 2010, appellant was charged with two counts of committing a lewd act upon a child. He admitted both counts and was placed on probation for a period of 12 to 36 months. In the second petition filed October 14, 2010, appellant was charged with one count of misdemeanor child molestation and one count of misdemeanor battery. On December 13, 2010, in the third petition he was charged with two counts of misdemeanor sexual battery.

The adjudication for the December 13, 2010, petition was conducted on January 3, 2011 and the evidence was as follows.

On November 18, 2010, at approximately 1:00 p.m., Ana Valle picked up her children from Washington Elementary School. She was walking down the street and pushing her daughter in a stroller. She felt someone come up behind her and grab her right buttocks. When she turned she saw appellant run across the street and then go into a hole under the bridge. She did not call the police at that time because her children were scared. When she saw appellant near the school a few days later and was told by others that he was bothering people, she called the police. She identified appellant when he was detained and again at the adjudication hearing.

On December 6, 2010, at approximately 8:50 a.m., Minerva Cordero dropped off her children at Washington Elementary School. Appellant approached her as she was waiting for a bus to take her home. Appellant got close to her and his chest touched her breast as he tried to hug and kiss her. As she backed away she saw that he was grabbing his private parts. When Cordero took out her cell phone and threatened to call the police, appellant ran away. She identified appellant in court as the person who tried to hug and kiss her.

Appellant testified on his own behalf. He stated that he sometimes walked by Washington Elementary School on the way to his own school. He remembered seeing Cordero and asked her what time it was. When she responded "Policia" he knew what that meant and continued walking to school. Appellant testified that he had never seen Valle.

The juvenile court found the allegations on both counts against appellant to be true. The court then continued the hearing for disposition pending the outcome of the October 14, 2010 petition.

On February 10 and 15, 2011, the juvenile court conducted an adjudication hearing on the allegations of the October 14, 2010 petition. The evidence adduced at that hearing was as follows.

On August 14, 2010, 14-year-old Briana was sitting in a movie theater with her father and younger sister. The seats to her right were empty and Briana's sister and father sat to her left with an empty seat separating them from Briana. Appellant came into the theater and initially sat one seat to Briana's right but then moved to the seat next to her. Briana noticed appellant's hand on her leg and over the next couple of minutes he touched her more than three times. She got up to go to the bathroom with her sister and when she returned appellant was gone. She didn't tell her sister what happened because she felt disgusted and embarrassed. Appellant returned and began touching Briana again. Briana was wearing shorts and appellant's hand was touching her thigh. Twice she tried to push him away and she tried to move away from him. Briana's father called her over to sit where he was and she told him that appellant had been touching her.

Appellant testified on his own behalf. He stated that he went to the movie theater with a staff member and three other boys from his group home. He moved to sit close to Briana because a couple sat in front of him and blocked his view. When she dropped her 3D glasses he reached down to pick them up and his elbow brushed her thigh. She did not push him away and they both continued to watch the remainder of the movie.

In rebuttal, Los Angeles County Deputy Sheriff Brent Del Valle testified that he was summoned to the movie theater at approximately 11:00 p.m. on August 14, 2010. He found appellant in the restroom. After appellant received his *Miranda*² rights, he told Deputy Del Valle that when he was helping Briana look for her glasses he reached under the seat and his hand brushed against her leg.

On February 15, 2011, the juvenile court found the allegation of child molestation to be true beyond a reasonable doubt. The misdemeanor battery allegation was dismissed. The juvenile court continued the hearing to February 16, 2011, for disposition.

The court conducted several disposition hearings in an effort to find an appropriate treatment center for appellant. On February 25, 2011, the juvenile court ordered that appellant be screened regarding possible placements. The maximum period of confinement was set at 10 years 8 months and appellant received 77 days of custody credit. On June 2, 2011, appellant was placed in an adult residential treatment center. By this time appellant had turned 18 years of age.

We appointed counsel to represent appellant on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised.

On November 21, 2011, we advised appellant that he had 30 days within which to personally submit by brief or letter any contentions or arguments that he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order is affirmed.

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