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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B282219  
(Los Angeles County  
Super. Ct. No. TJ22582)

THE PEOPLE,

Plaintiff and Respondent,

v.

M.B.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, Gibson Lee, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

## **PROCEDURAL BACKGROUND**

In August 2016, the District Attorney filed a petition against appellant, M.B., then age 14, under section 602 of the Welfare and Institutions Code (section 602), alleging one felony count of grand theft auto (Pen. Code, § 487, subd. (d)(l)), and one felony count of driving/taking a vehicle without consent (Veh. Code, § 10851, subd. (a)). In September 2016, appellant admitted the petition's allegations. The court dismissed the grand theft count, sustained the remaining count and ordered appellant home on probation.

On March 14, 2017, the Probation Department filed a petition under Welfare and Institutions Code section 777 (section 777), alleging appellant violated the terms of her probation by, among other things, engaging in acts of vandalism. On March 17, 2017, the District Attorney filed a second section 602 petition alleging that appellant, then age 15, committed one count of felony vandalism (Pen. Code, § 594, subd. (a)). Appellant denied the allegations of both petitions.

In April 2017, the court found the allegations of the March 17, 2017, 602 petition true, sustained the petition as a felony and declared appellant to be a person described by section 602. The court dismissed the section 777 petition, terminated the September 2016 home on probation order, and ordered appellant suitably placed in an open facility. The minor timely appealed.

## **FACTUAL BACKGROUND**

On January 18, 2017, Erik Zuniga Robles was working as “profit protection manager,” at a Kmart in Carson, a position he had held for 15 years. At about 5:40 p.m., Robles was watching the surveillance monitor and saw a person in a black sweatshirt with writing on it, whom he later identified as appellant, spray paint on a panel in the store. Robles also saw the person open and drink a beer from store stock. Robles contacted the Los Angeles County Sheriff’s Department (LASD). Appellant was detained by the LASD, and identified by Robles based on her clothing.

Robles observed a store surveillance video at the adjudication hearing. He testified that it depicted appellant spray painting an “end cap panel” in the store. Based on a photograph of the same painted panel (Peo. Exh. No. 2), Robles identified additional graffiti inside the store on a freezer, boxes of fans and coolers, and on five to six other end cap panels (Peo. Exhs. 3-9).

Robles testified that he surveyed the store every morning for damage. There had been no blue graffiti present on the morning before appellant entered the store. Robles gave the LASD an incident report documenting the amount of graffiti damage for several items in the store and provided a total estimate of the value of over \$400 for individual damaged items. Robles based his estimate of the value of the damage on his 15 year career as a loss prevention officer, having seen similarly damaged items, and his knowledge of the cost to repair and/or replace damaged items and products.

An LASD deputy who responded to the Kmart store on January 18, 2017 and contacted appellant shortly after 5:40 p.m., found blue paint on her hands, and recovered cans of used spray paint on shelves in one aisle.

## DISCUSSION

After review of the record, appellant's court-appointed counsel filed an opening brief requesting that this court independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*). On September 26, 2017, appellant was advised she had 30 days within which to submit by supplemental brief any contentions or argument she wished the court to consider. No response has been received to date.

Our examination of the entire record has established that no arguable issues exist, and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against her in this case. (*Wende, supra*, 25 Cal.3d at p. 441; *Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

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**DISPOSITION**

The judgment is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

COLLINS, J.