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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

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

2d Juv. No. B297237  
(Super. Ct. Nos. YJ39849,  
YJ39801 & YJ39850)  
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

K.B.,

Defendant and Appellant.

The juvenile court sustained allegations that K.B. committed robbery (Pen. Code, § 211) and possessed stolen property (Pen. Code, § 496, subd. (a)). The court deemed the former offense a felony; the latter, a misdemeanor. It declared K.B. a ward of the court, and ordered him placed at home on probation. K.B. contends there was insufficient evidence that he was involved in the robbery. We affirm.

## FACTS

Three teenagers—K.B., M.C., and R.D.—approached A.E. as he walked down the street. Either M.C. or R.D. asked A.E. where he was from and demanded his belongings. M.C. then pulled out a gun and pointed it at A.E.’s face. K.B. did not seem surprised by the gun. He stood nearby as M.C. and R.D. removed items from A.E.’s pockets.

From his car, B.C. saw K.B., M.C., and R.D. approach A.E. B.C. thought K.B. and his companions were going to “jump” A.E. so he stopped his car. He got out and told the three teenagers to return A.E.’s belongings. One of them told B.C., “Back off. Don’t get involved. Back off, back off.” A.E. ran away.

R.D. walked up and put his hand on B.C.’s chest. He said, “Back up, bro,” or “Gang up, bro.” K.B. and M.C. approached B.C. from behind. M.C. lifted his shirt and revealed a silver revolver tucked into his waistband. He said, “You want no problems, bro.” B.C. replied, “You’re not that stupid to try to shoot somebody in the middle of the street, middle of traffic.” K.B. and R.D. stood a few inches behind M.C. as he spoke.

K.B., M.C., and R.D. ran away “side-by-side.” B.C. went back to his car and told his girlfriend that he was not going to let them get away. He followed the three teenagers as they ran, and then followed the bus they boarded. He called the police and gave them the bus’s license plate number and a description of K.B. and his companions.

Two police officers responded to B.C.’s call. B.C. flagged them down where the bus had stopped. The officers ordered everyone on the bus to exit. When K.B., M.C., and R.D. disembarked, one of them yelled at B.C.

The officers detained and searched K.B., M.C., and R.D. They found A.E.'s iPhone in M.C.'s backpack. R.D. had A.E.'s credit cards.

A.E. identified K.B., M.C., and R.D. as his assailants. He told the officers that the three teenagers passed a gun back and forth as they rifled through his pockets. The gun was found tucked between two seats in the rear of the bus.

### DISCUSSION

K.B. contends the prosecution presented insufficient evidence that he aided and abetted the robbery of A.E. We disagree.

A person aids and abets a crime if they promote or encourage the commission of the crime with knowledge of the perpetrator's unlawful purpose and the intent to facilitate the commission of the crime. (*People v. Nguyen* (2015) 61 Cal.4th 1015, 1054 (*Nguyen*).) Thus, to be guilty of robbery as an aider or abettor, a defendant must know of the perpetrator's intent to permanently deprive the victim of their property, intend that the perpetrator do so, and promote or encourage the crime in some way. (*Ibid.*; *People v. Mora and Rangel* (2018) 5 Cal.5th 442, 489 [defining intent required for robbery].) Factors to consider when determining whether a defendant did so include “presence at the scene of the crime, companionship, and conduct before and after the offense.” [Citation.]” (*Nguyen*, at p. 1054.)

Whether K.B. aided and abetted the robbery here is a question of fact. (*Nguyen, supra*, 61 Cal.4th at p. 1054.) Our review is thus limited to determining whether substantial evidence—“evidence that is reasonable, credible, and of solid value”—supports the juvenile court's findings. (*People v. Zamudio* (2008) 43 Cal.4th 327, 357.) We view the evidence “in

the light most favorable to the prosecution and presume in support of the [court's findings] the existence of every fact [it] could reasonably have deduced from the evidence.” (*Ibid.*) “Conflicts and even testimony that is subject to justifiable suspicion do not justify the reversal of a judgment, for it is the exclusive province of the [juvenile court] to determine the credibility of a witness and the truth or falsity of the facts upon which a determination depends.” (*Ibid.*) Reversal “is unwarranted unless it appears “that upon no hypothesis whatever is there sufficient substantial evidence to support” the [court's findings]. [Citation.]” (*Ibid.*)

Substantial evidence supports the juvenile court's finding that K.B. aided and abetted the robbery of A.E. First, K.B. was present at the scene of the robbery. Second, K.B. provided companionship to M.C. and R.D. throughout the robbery. He stood nearby as his companions took A.E.'s property. He remained at the scene when B.C. arrived, approaching him with M.C. as M.C. lifted his shirt and revealed a firearm. He neither appeared surprised by his companions' actions nor did he try to prevent them. “Such conduct is a textbook example of aiding and abetting.” (*People v. Campbell* (1994) 25 Cal.App.4th 402, 409 (*Campbell*).)

Finally, K.B. “did not [just] independently happen by” the robbery, but rather approached with M.C. and R.D. (*Campbell, supra*, 25 Cal.App.4th at p. 409.) The three ran away together “side-by-side.” They boarded a bus together, disembarked at the same time, and were then arrested together. It is easily inferred from such concerted conduct that K.B. shared his companions' intent to rob A.E. (*People v. Moore* (1953) 120 Cal.App.2d 303, 306; see also *In re Juan G.* (2003) 112

Cal.App.4th 1, 5 [juvenile aided and abetted robbery where he approached victim with perpetrator, stood beside him when he demanded money, fled with him, and was then arrested with him]; *In re Lynette G.* (1976) 54 Cal.App.3d 1087, 1095 [juvenile aided and abetted robbery where she was present at scene of crime, fled with perpetrators, and was still with them later].)

This case is unlike *People v. Lara* (2017) 9 Cal.App.5th 296, on which K.B. relies. In *Lara*, two alleged aiders and abettors—Flores and Espinoza—were present when a third person—Lara—shot and killed one of their fellow gang members after an argument. (*Id.* at p. 322.) But Flores attempted to deescalate the situation, telling Lara to “calm down” before the shooting. (*Ibid.*) And while he and Espinoza fled the scene together, they left without Lara. (*Id.* at p. 323.) Because Flores and Espinoza attempted to deescalate the situation and then disassociated themselves from Lara, they were not guilty of aiding and abetting their fellow gang member’s murder. (*Id.* at p. 325.)

Here, K.B. made no attempt to deescalate the situation by either his words or his actions. He remained with M.C. and R.D. throughout the robbery of A.E. and said nothing. He approached a bystander witness with M.C. and stood just inches away as M.C. and R.D. warned him against getting involved. And unlike the situation in *Lara*, he left with the perpetrators of the robbery and remained with them until police caught and arrested them. Sufficient evidence supports the juvenile court’s finding that K.B. aided and abetted robbery.

DISPOSITION

The juvenile court's order sustaining the allegation that K.B. committed robbery is affirmed.

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TANGEMAN, J.

We concur:

YEGAN, Acting P. J.

PERREN, J.

Christopher J. Smith, Judge  
Superior Court County of Los Angeles

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Esther R. Sorkin, under appointment by the Court of  
Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Lance E. Winters,  
Assistant Attorney General, Paul M. Roadarmel, Jr., and  
Stephanie A. Miyoshi, Deputy Attorneys General, for Plaintiff  
and Respondent.