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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

In re ANTHONY C., a Person Coming Under the Juvenile Court Law.	B288324
THE PEOPLE, Plaintiff and Respondent, v. ANTHONY C., Defendant and Appellant.	Los Angeles County Super. Ct. No. FJ54410

APPEAL from orders of the Superior Court of Los Angeles County, Benjamin R. Campos, Juvenile Court Referee. Affirmed.

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

No appearance for Plaintiff and Respondent.

INTRODUCTION

Minor Anthony C. appeals the jurisdictional and dispositional orders entered after the juvenile court sustained a delinquency petition for robbery and delaying a police officer. Our independent review of the record has revealed no arguable appellate issues, and we affirm.

BACKGROUND

On the morning of November 6, 2017, Edwin Hurtado was working as the manager of a CVS store in Los Angeles. He saw two boys grab a bottle of liquor by reaching over a shelf into the adjacent aisle. Hurtado stood at the end of the aisle about 10 or 15 feet from the boys and asked them what they were doing. One of the boys, later identified as fifteen-year-old Anthony, lifted the bottle above his head and told Hurtado, “If you get any closer, I’m going to break this fucking bottle on your neck.” Hurtado backed up and let the boys leave the store.

At trial, when asked whether Anthony’s threat had scared him, Hurtado hesitated, then said it did. He explained that kids “usually just ... threaten you because they know as a CVS employee, I can’t do anything.” But ultimately, “I wasn’t afraid he was going to swing at me because I wasn’t going to do anything stupid.”

Hurtado went outside to check which direction the boys had gone and if there were any police officers nearby. He saw both boys walk south and moments later, noticed two patrol cars driving up the street. Hurtado flagged the officers down, told them what had happened, and asked them to arrest Anthony and his friend.

Los Angeles Police Department Officer Irvin Pereira was patrolling the area in a marked police car and responded to a call for backup in search of a robbery suspect. Pereira searched the area and found Anthony and his friend standing at a traffic light waiting to cross the street. Pereira parked his squad car and told the boys to stop and put their hands up. They both ignored the commands, waited for the light to change, then began crossing the street. Pereira drew his Taser, made eye contact with Anthony, and said he would tase him if he did not stop. The boys ran in different directions. Pereira chased Anthony for one block until Anthony stopped and put his hands above his head. Pereira searched Anthony's backpack and found a bottle of liquor.

In a subsequent field show-up, Hurtado identified Anthony as the boy who stole the liquor. The show-up occurred 15 to 20 minutes after Hurtado contacted the police.

On November 7, 2017, a petition was filed under Welfare and Institutions Code section 602 alleging that Anthony had committed second degree robbery (Pen. Code, § 211) and had resisted or delayed a peace officer (Pen. Code, § 148, subd. (a)(1)). Anthony denied the allegations.

At the trial on the petition, defense counsel conceded the theft but argued the prosecution had failed to prove the force or fear element of robbery, and therefore, the court should consider the lesser-included offense of shoplifting. Defense counsel asserted that the distance between Anthony and Hurtado and Hurtado's admission that he was not actually afraid negated any possible fear. The court disagreed and found Hurtado's testimony supported a reasonable inference that the theft was accomplished by force or fear.

The court found the allegations true and sustained both counts of the petition. The court declared Anthony a ward of the court, and ordered him suitably placed by the probation department with a maximum confinement period of four years. Among other conditions of probation, the court ordered Anthony to complete 100 hours of community service, as well as substance abuse and individual counseling, and to pay a restitution fine of \$25 to the State Victim Fund.

Anthony filed a timely notice of appeal and we appointed counsel to represent him. On May 31, 2018, appellate counsel filed a brief in which she raised no issues and asked us to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) On May 31, 2018, we notified Anthony that counsel had failed to find any arguable appellate issues and that he had 30 days to submit by brief or letter any arguments he wished this court to consider. We have not received a response.

DISCUSSION

We have examined the entire record, and are satisfied appellate counsel has fully complied with her responsibilities and no arguable issues exist in the appeal before us. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *People v. Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The orders are affirmed.

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LAVIN, Acting P. J.

WE CONCUR:

EGERTON, J.

DHANIDINA, J.