Filed 9/27/12 In re Jordan M. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re JORDAN M., a Person Coming Under the Juvenile Court Law.	B237209 (Los Angeles County Super. Ct. No. VJ41520)
THE PEOPLE, Plaintiff and Respondent, v. JORDAN M., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County. Heidi W. Shirley, Juvenile Court Referee. Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Paul M. Roadarmel, Jr., Supervising Deputy Attorney General, and Nima Razfar, Deputy Attorney General, for Plaintiff and Respondent.

Minor Jordan M. appeals from the order of wardship entered following a finding that he committed second degree robbery in violation of Penal Code section 211. Minor contends the evidence is insufficient to support the juvenile court's finding. We affirm.

BACKGROUND

On the afternoon of September 29, 2011, minor and another male approached Alida George head-on as she walked down a sidewalk in Lynwood carrying grocery bags. George variously testified that they "threw" her to the ground by the neck, grabbed her neck and dragged her, and grabbed her necklace before or while she was on the ground. She testified that her necklace was taken from her neck, but "[t]hey dropped it." She did not see anyone drop anything. After the police arrived, she saw the necklace at her feet.

Former police officer Joe Battle heard George yelling from across the street. He testified he saw minor punch George in the jaw, then saw George fall to the ground. Battle thought minor had something in his hand during this punch but he never actually saw anything in minor's hand. Battle subsequently testified that the punch "looked like a grab" and might have been a grab at the neck or chin area. Battle did not see minor reach toward George while she was on the ground and never saw minor drop anything. Minor turned and ran. Battle shouted at minor to stop, then chased minor while shouting for help. Thirty seconds to one minute later, an off-duty police officer detained minor at gunpoint.

The juvenile court sustained a Welfare and Institutions Code section 602 petition alleging second degree robbery, and minor admitted a prior petition alleging he committed a misdemeanor battery on his father. The court declared minor to be a ward of the court, placed him in camp for six months, and calculated the maximum term of confinement at five years two months.

DISCUSSION

Minor contends there was insufficient evidence of asportation to support a finding of a completed robbery, as opposed to an attempted robbery.

To resolve this issue, we review the whole record in the light most favorable to the juvenile court's order to decide whether substantial evidence supports the court's finding, so that a reasonable fact finder could find the allegation true beyond a reasonable doubt. (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 540.) We also presume in support of the juvenile court's finding the existence of every fact the trier could reasonably deduce from the evidence and make all reasonable inferences that support the finding. (*In re Babak S.* (1993) 18 Cal.App.4th 1077, 1089.)

Robbery is defined as the taking of personal property of some value, however slight, from a person or the person's immediate presence by means of force or fear, with the intent to permanently deprive the person of the property. (Pen. Code, § 211; *People v. Marshall* (1997) 15 Cal.4th 1, 34.) "The taking element of robbery itself has two necessary elements, gaining possession of the victim's property and asporting or carrying away the loot." (*People v. Cooper* (1991) 53 Cal.3d 1158, 1165.) "[F]or purposes of establishing guilt, the asportation requirement is initially *satisfied* by evidence of slight movement." (*Ibid.*) The taking element may be shown by circumstantial evidence (*People v. Hornes* (1959) 168 Cal.App.2d 314, 320), and the robber need not actually escape with the property, so long as he or she obtains possession of it (*People v. Hartman* (1967) 256 Cal.App.2d 547, 550 (*Hartman*)).

Other courts considering challenges to the sufficiency of evidence of asportation have found sufficient evidence where a person outside a car reached through the car window and grabbed the passenger's purse, looked through it, then gave it back (*People v. Hill* (1998) 17 Cal.4th 800, 852–853, overruled on a different ground in *Price v. Superior Court* (2001) 25 Cal.4th 1046, 1069, fn. 13); where a car the defendant was trying to take lurched forward one foot, then stalled (*People v. Mason* (2006) 140 Cal.App.4th 1190, 1200 (*Mason*)); where robbers forced a gas station attendant to place the money from the cash box into a paper bag, which the robbers left on a desk in the gas station office after shooting the attendant (*People v. Martinez* (1969) 274 Cal.App.2d 170, 172–174); where robber took money from the cash drawer at a motel's reception

desk and placed it in his pocket, but was soon arrested behind the reception desk by police responding to a silent alarm (*Hartman, supra*, 256 Cal.App.2d at pp. 549–550); where the victim complied with the defendant's order by throwing his wallet onto the ground about six feet away but was then allowed to pick up his wallet and leave with it (*People v. Quinn* (1947) 77 Cal.App.2d 734, 735–737); and where a bank robber took money from a teller and the vault, but tripped on his way toward the exit and was knocked unconscious by bank employees (*People v. Beal* (1934) 3 Cal.App.2d 251, 252–253).

The evidence in this case supported a finding beyond a reasonable doubt that minor pulled George's necklace off her neck, then dropped it. This slight movement of the necklace was sufficient asportation, roughly comparable to the one foot movement of the car in *Mason, supra*, 140 Cal.App.4th at page 1200. Minor's failure to maintain possession of the necklace is inconsequential to his guilt.

DISPOSITION

The order under review is affirmed.

NOT TO BE PUBLISHED.

MALLANO, P. J.

We concur:

ROTHSCHILD, J.

CHANEY, J.