

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

H. G.,

Defendant and Appellant.

B254184

(Los Angeles County
Super. Ct. No. TJ21075)

APPEAL from a judgment (order of wardship) of the Superior Court of
Los Angeles County, Catherine J. Pratt, Judge. Affirmed.

Dee A. Hayashi, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Appellant H. G., a minor, appeals from a judgment (order of wardship) entered following a determination she committed unlawful driving or taking of a vehicle (Welf. & Inst. Code, § 602; Veh. Code, § 10851, subd. (a)). The court ordered appellant placed home on probation. We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

1. Procedural History.

On December 3, 2013, a filed petition alleged, inter alia, as count 1 that on or about May 8, 2013, appellant committed the above offense. The petition alleged as count 2 that, on or about May 8, 2013, appellant committed driving a vehicle without a license. (Veh. Code, § 12500, subd. (a).) On December 11, 2013, appellant was arraigned on the petition and denied the allegations. On January 30, 2014, the matter was adjudicated.

2. Facts of Appellant's Offense.

The evidence presented at appellant's adjudication established as follows. In May 2013, a Toyota Corolla owned by Jaime Ramirez was stolen from 94th and Figueroa. The next day, Ramirez was driving when he saw an African-American girl driving the Toyota at 92nd and Figueroa. Ramirez followed the Toyota while calling the police. The Toyota stopped at a gas station. Ramirez drove to a stoplight, then made a left turn and parked on the other side of the street to watch the Toyota. The only time Ramirez lost sight of the girl was when he made his turn and parked in a parking space.

Ramirez continued watching the Toyota. He saw the girl and other occupants of the Toyota exit it. The girl and her associates stayed near the Toyota and conversed. Ramirez saw police arrive and approach the girl. Police detained four African-Americans, i.e., two boys and two girls. Ramirez told an officer the four were riding in the Toyota, and Ramirez pointed out the girl to police. At the scene, Ramirez recognized the girl who was driving based on how she was dressed when he saw her exit the Toyota. Ramirez saw the color of her blouse. At the adjudication, Ramirez denied remembering the girl's face or how she was dressed.

Ramirez also testified as follows. Ramirez and his wife regularly drove the Toyota, his wife was its primary driver, and no one else drove it. Ramirez denied knowing appellant or giving her permission to drive his Toyota. When the Toyota was returned to Ramirez, nothing was wrong with its ignition or steering column, and “[i]t had the car key in it.” The front left side of the Toyota was scraped and the right rear bumper was dented. The last time Ramirez’s wife drove the Toyota was the day before he saw the girl driving it.

Los Angeles Police Officer Brett Fishbeck testified as follows. In May 2013, Fishbeck went to a gas station and met Ramirez. Fishbeck saw a Toyota Corolla with its driver’s door open, and appellant, an African-American female, was standing near that door. Appellant was about two or three feet from the driver’s door or driver’s side of the Toyota. Fishbeck could not see any other African-American females at the time. He also testified he found another African-American female in the rear passenger seat.

Fishbeck brought Ramirez to the gas station for a field showup. Ramirez identified appellant as the driver of the Toyota. Fishbeck arrested appellant. As Fishbeck placed appellant under arrest, her demeanor was calm and she never became upset.

According to Fishbeck, the Toyota did not have any broken windows. He did not recall that there were any loose wires and did not recall whether the ignition was intact and a regular key was in the Toyota. However, if there had been anything like a shaved key, he would have noted it in his report, and there was nothing to that effect in his report. Appellant presented no defense evidence.

3. Additional Proceedings.

Following the People’s case-in-chief, appellant made a motion to dismiss on the ground of insufficiency of the evidence. Appellant argued there was insufficient evidence appellant knew the Toyota was stolen or intended to deprive the owner of possession of the Toyota, nothing about the Toyota suggested it was stolen, and police did not obtain statements.

Appellant also argued Ramirez's wife was the Toyota's primary driver, she was not in court, there was no evidence concerning to whom she gave permission to drive the Toyota, and there was no evidence as to how someone obtained a key to the Toyota. Appellant further argued Ramirez could not identify appellant in court, Ramirez told Fishbeck what the girl was wearing but did not remember what that was, there was no evidence as to what the other African-American female had been wearing, and there was no evidence appellant was driving the Toyota. Finally, appellant argued Ramirez admitted he lost sight of the driver when he made a turn and parked in a parking space, and, according to the prosecutor, it was unclear whether that occurred before the females exited the Toyota.

The court asked the prosecutor if he wished to address the issue of intent. The prosecutor argued as follows. Ramirez saw the Toyota "the very next day" (*sic*) after it was stolen, and saw it two blocks from where it had been stolen. Appellant's demeanor was noteworthy since most people knowing nothing about a crime would not be calm when arrested. It was inferable appellant had knowledge.

The court denied appellant's motion to dismiss. Appellant presented no defense evidence. The court found appellant guilty on count 1 and dismissed count 2. The court denied appellant's motion to reduce count 1 to a misdemeanor. The court ordered appellant home on probation. The court also ordered appellant to pay for any damages to the Toyota. Appellant objected to the order. The court noted testimony about damage to the Toyota was inconclusive and no repair cost had been provided. The court indicated once a repair cost was determined, appellant was entitled to a restitution hearing. On January 31, 2014, appellant filed a notice of appeal.

CONTENTIONS

After examination of the record, appointed appellate counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record.

By notice filed December 8, 2014, the clerk of this court advised appellant to submit within 30 days any contentions, grounds of appeal, or arguments she wished this court to consider. On January 6, 2015, appellant filed a supplemental brief. In it, appellant argued (1) Ramirez did not identify her in court as the person who stole the Toyota, (2) Fishbeck's testimony was not credible, (3) it appeared the trial court, prosecutor, and Fishbeck were friends, and (4) the court "picked [appellant] for [Ramirez]." Appellant's first two assertions are essentially a sufficiency of the evidence claim. Sufficient evidence was presented at the adjudication that appellant violated Vehicle Code section 10851, subdivision (a). (*Cf. People v. Kelly* (2006) 40 Cal.4th 106, 126.) Appellant's last two assertions are not supported by the record. (*Cf. In re Kathy P.* (1979) 25 Cal.3d 91, 102.)

REVIEW ON APPEAL

We have examined the entire record and are satisfied counsel has complied fully with counsel's responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

DISPOSITION

The judgment (order of wardship) is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

KITCHING, Acting P. J.

We concur:

ALDRICH, J.

EGERTON, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.