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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

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

2d Juv. No. B286903  
(Super. Ct. No. YJ39183)  
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

K.M.,

Defendant and Appellant.

K.M. appeals an order adjudicating her a ward of the court. (Welf. & Inst. Code, § 602.) The juvenile court found true the allegation that K.M. committed second degree robbery. (Pen. Code, § 211.)<sup>1</sup> The court ordered that a previous suitable

<sup>1</sup> Further unspecified statutory references are to the Penal Code.

placement order remain in effect. It set a maximum confinement period of five years.

K.M. contends the juvenile court erred in sustaining the petition because there was insufficient evidence to support the robbery true finding. We affirm.

### **FACTS AND PROCEDURAL HISTORY**

K.M. walked into a mini-mart store with three other girls. K.M. and two girls went to the front cash register and talked to the store clerk while one of the girls went to the back. The three girls in front “cover[ed]” the clerk so that he could not see the girl in the back. The three girls asked about purchasing a lighter, but said they had no money.

The clerk noticed his cell phone, which was charging in the back of the store, was missing. He asked the girl who was in the back of the store if she had his phone. She said she did not have it, but the clerk saw the phone in her pocket. The clerk grabbed the girl by the wrist, and in Spanish, he told her that she had his phone. K.M. and the other girls started hitting the clerk, and he let go of the girl’s wrist. All four girls tried to run away, but the clerk grabbed one girl by the coat. K.M. and the other girls began hitting the clerk for a second time.

A neighbor stopped by to see what was happening, and the clerk told him that one of the girls stole his phone. After the neighbor said he was going to call the police, the girl returned the cell phone. All four girls ran away.

### **DISCUSSION**

K.M. contends the evidence was insufficient to prove that she aided and abetted the robbery because she did not know of her companion’s criminal intent to steal the phone. We disagree.

We review the juvenile court’s true finding for substantial evidence. (*People v. Zamudio* (2008) 43 Cal.4th 327, 357.) “We presume in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence. [Citation.] [¶] . . . “[I]f the circumstances reasonably justify the [trier of fact’s] findings, the judgment may not be reversed simply because the circumstances might also reasonably be reconciled with a contrary finding.” [Citation.] We do not reweigh evidence or reevaluate a witness’s credibility. [Citation.]’ [Citations.]” (*People v. Nelson* (2011) 51 Cal.4th 198, 210 (*Nelson*).)

A person who aids and abets in the commission of a crime is a “principal[] in any crime so committed.” (§ 31.) An aider and abettor acts with the knowledge of the direct perpetrator’s criminal purpose and with an intent to commit, encourage or facilitate the commission of the crime. (*People v. Houston* (2012) 54 Cal.4th 1186, 1224.) Intent may be inferred from all facts and circumstances. (*In re Gary H.* (2016) 244 Cal.App.4th 1463, 1478.) Relevant factors in determining whether a person aided and abetted a crime include presence at the crime scene, companionship, and conduct before and after the offense, such as flight. (*People v. Battle* (2011) 198 Cal.App.4th 50, 84.)

Substantial evidence supports the finding that K.M. knew about her companion’s criminal intent to steal and intended to facilitate the crime. K.M. walked into the store with her companions. While one girl stole the phone in the back of the store, K.M. and the other two girls distracted the store clerk with questions about purchasing a lighter, which they said they did not have money to buy, and they “cover[ed]” his view. (See *People v. Ngaue* (1992) 8 Cal.App.4th 896, 906-907 [defendant who

served as a distraction was liable as an aider and abetter].) K.M. also assisted her companions get away by hitting the clerk after he grabbed her companion by the wrist and hitting him a second time after he grabbed another companion by the coat. (See *People v. Frye* (1985) 166 Cal.App.3d 941, 947 [flight upon discovery of the crime supports an inference that the aider and abetter entered a residence with the intent to steal].) The court could reasonably infer that K.M. knew of her companion's criminal purpose before entering the store and that she intended to and did facilitate that crime.

K.M. argues that she was merely present at the scene and that she did not know her companion stole the phone because she did not see her take it nor did she understand what the clerk said in Spanish. She asserts that she hit the store clerk because she was trying to protect her companion. But the question is not whether substantial evidence could support a contrary finding, but whether substantial evidence exists in the record to support the court's true finding. That the evidence could also support a contrary or alternative finding does not warrant reversal. (*Nelson, supra*, 51 Cal.4th at p. 210.)

K.M. also appears to argue there was insufficient evidence that she used force to retain the stolen property. However, the prosecution pursued an aider and abettor theory, which requires that only the direct perpetrator use force in the commission of the robbery. K.M. does not dispute that the direct perpetrator committed a robbery and that all the elements, including force, were met.

**DISPOSITION**

The order is affirmed.

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TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Robert Leventer, Judge

Superior Court County of Los Angeles

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Holly Jackson, under appointment by the Court of  
Appeal, for Defendant and Appellant.

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