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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re P.A., a Person Coming
Under the Juvenile Court Law.

2d Juv. No. B278363
(Super. Ct. No. KJ39848)
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

P. A.,

Defendant and Appellant.

P.A. appeals from the judgment declaring her a ward of the juvenile court (Welf. & Inst. Code, § 602) and placing her home on probation after the trial court found that appellant committed a misdemeanor battery on a school teacher. (Pen. Code, § 243.6.)¹ We affirm.

¹ All statutory references are to the Penal Code.

Facts

On April 28, 2016, 14-year-old appellant was in Robert Curtis's in-school suspension classroom at a continuation high school. Appellant was repeatedly told to put her purse on the floor and do her school work. Appellant refused to follow directions and, after a back-and-forth discussion, slammed her purse down on the floor.

About 45 minutes later, appellant put her purse on top of her desk and was told to put it on the floor. Defiant, appellant rolled her eyes, flipped her hair, and eventually put the purse down. Appellant put her purse on top of the desk three or four more times. At 2:30 p.m., Curtis asked appellant to put her purse on the chair at the back of the classroom, a few feet from Curtis's desk. Angry, appellant moved her purse to the back of the classroom and stomped back to her desk.

Just before the 3:00 o'clock bell, Curtis instructed appellant to remain in her seat because school proctors were taking her to detention. Appellant said she was not going to detention, stormed Curtis's desk, and yelled at Curtis to give her purse back. Curtis stood in front of the desk blocking appellant, and held his palms face out at waist height. Angry, appellant pushed Curtis, causing him to rock back.

Curtis ordered appellant to stop but appellant flailed at him with clenched fists in "a windmill-type arm movement." Curtis raised his hands to chest level, and with open palms, pushed back to create "a defensible space."

Angry, appellant said she was leaving. Curtis told her to wait for the school proctors. School rules required that appellant remain seated until the proctor came and got her.

Appellant rushed Curtis, screaming and arms flailing. Curtis grabbed her wrists to avoid being struck. “[Appellant] wasn’t able to hit me, but it was like watching a dance movement at that point.” As appellant pulled and twisted, Curtis reached for the radio on his desk and called for help. Appellant broke free and punched Curtis five or six times in the torso. Appellant yelled that she was not going to detention and that Curtis could not touch her.

Campus security officer Gabriela Rodriguez responded to the radio call and saw appellant screaming profanities and hitting Curtis on the upper torso, head, and shoulders. Curtis tried to deflect the blows with open palms and yelled “Please get her off.”

Rodriguez grabbed appellant in a bear hug and told her to stop. Appellant became more agitated, thrashed around, and threw her head back, striking Rodriguez on the chin. During the struggle, Rodriguez and appellant fell on a desk and then on the classroom floor. Screaming profanities, appellant kicked and struck Rodriguez until a coworker pulled appellant away from Rodriguez.

Substantial Evidence

Appellant contends the evidence is insufficient to support the finding that she committed a battery on Curtis. “The same standard governs review of the sufficiency of evidence in adult criminal cases and juvenile cases: we review the whole record in the light most favorable to the judgment to decide whether substantial evidence supports the conviction, so that a reasonable fact finder could find guilt beyond a reasonable doubt. [Citations.]” (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 540.) Reversal is unwarranted unless “upon no hypothesis whatever is

there sufficient substantial evidence to support [the conviction].”
(*People v. Bolin* (1998) 18 Cal.4th 297, 331.)

Section 243.6 makes it a misdemeanor to commit a battery against a school employee engaged in the performance or his or her duties. “A battery is any willful and unlawful use of force or violence upon the person of another.” (§ 242.) Only a slight unprivileged touching is needed to satisfy the force requirement of criminal battery. (*People v. Mansfield* (1988) 200 Cal.App.3d 82, 88.)

Appellant argues that she acted in self-defense. Two students testified that it happened fast and that Curtis tried to block appellant with his hands. A third student, L.M., said that appellant tried to get her purse and Curtis “grabbed her and slammed her against the white board.”

The trial court discredited L.M.’s testimony because it was “completely inconsistent . . . to every other witness that’s been called in this case. There were people that saw different parts of this and nobody saw any of that occur.” The trial court found Curtis very credible and found that the other witnesses corroborated his testimony.

On review, we are precluded from reweighing the evidence or determining witness credibility and all conflicts in the evidence are resolved in favor of the judgment. (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.) The evidence shows that appellant repeatedly refused to put her purse on the floor, was angry that she had to stay for detention, and rushed Curtis when the school bell rang. Appellant pushed Curtis and flailed at him with clenched fists, forcing Curtis to push back and protect himself. Curtis grabbed appellant’s wrists to avoid being hit and

reached for a radio to call for help when appellant hit Curtis five or six times in the torso.

Appellant claims that she acted in self-defense but unless a threat was made or Curtis attempted to inflict injury, no conduct or words, no matter how offensive or exasperating, are sufficient to justify a battery. (*People v. Mayes* (1968) 262 Cal.App.2d 195, 197.) “[T]he only legal justification of battery is self-defense.” (*Id.* at p. 198, fn. omitted.) For self-defense to apply, “the defendant must actually and reasonably believe in the need to defend.” (*People v. Jefferson* (2004) 119 Cal.App.4th 508, 518.)

“At school, events calling for discipline are frequent occurrences and sometimes require ‘immediate, effective action.’ [Citation.] To respond in an appropriate manner, “teachers and school administrators must have broad supervisory and disciplinary powers.” [Citation.]” (*In re Randy G.* (2001) 26 Cal.4th 556, 563.) California law permits principals and teachers to exercise “the same degree of physical control over a pupil that a parent would be legally privileged to exercise . . . which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.’ (Ed. Code, § 44807.)” (*Ibid.*)

Appellant charged Curtis to get her purse and flailed at him with clenched fists in a “windmill-type arm movement.” Curtis did not push back until appellant pushed and hit him. As a school teacher, Curtis’s response was reasonable. (See, e.g., *In re Randy G.*, *supra*, 26 Cal.4th at pp. 562-563.) There is no credible evidence that appellant actually and reasonably believed

she needed to use force to prevent imminent bodily harm. (*People v. Minifie* (1996) 13 Cal.4th 1055, 1065.) Substantial evidence supports the finding that appellant was mad about the school detention and pushed and struck Curtis in violation of section 243.6.

DISPOSITION

The order of wardship is affirmed.

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YEGAN, Acting P. J.

We concur:

PERREN, J.

TANGEMAN, J.

Geanene Garcia-Yriarte, Judge

Superior Court County of Los Angeles

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Appeal, for Defendant and Appellant.

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