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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B264887
(Los Angeles County
Super. Ct. No. FJ52945)

THE PEOPLE,

Plaintiff and Respondent,

v.

E.P.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County,
Benjamin R. Campos, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.)
Affirmed.

Courtney M. Selan, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney
General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and
Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

* * * * *

We affirm the judgment finding minor E.P. committed second degree robbery in violation of Penal Code section 211. The evidence strongly supported that finding.

FACTS AND PROCEDURE

In a Welfare and Institutions Code section 602 petition, minor, who was born in 1997, was charged with one count of second degree robbery (Pen. Code, § 211). It was alleged that he took the personal property of M.C. by means of force or fear.

The evidence at trial showed that about 3:30 in the afternoon on April 30, 2015, minor asked M.C. for change, and M.C. responded that he did not have any. Minor left M.C. without taking any money from M.C. Minor smelled of alcohol but did not appear intoxicated.

Shortly after leaving M.C., minor approached M.C. a second time asking for change. M.C. responded that he did not have any change. When M.C. refused to give him money, minor bumped his chest against M.C. and asked, “Are you sure about that?” Minor stepped on M.C.’s shoe and mentioned his “homies.”

Minor’s friend told minor to “calm down.” After minor’s friend left, minor pushed M.C., pulled something sharp from his back pocket and held it to M.C.’s collarbone. Minor said, “The next time you don’t give me any money, I will stab you.” M.C. thought that the sharp object held against his collarbone was a box cutter.

M.C. then reached into his pocket and gave minor 20 cents. M.C. gave minor the money because he was scared. M.C. testified he gave the money because “the guy has a knife at me. I just reached into my pocket, give him anything I got.” Minor took the 20 cents. Minor then apologized and said, “but give me money next time.” The interaction was videotaped and played at trial.

The juvenile court sustained the petition.

DISCUSSION

Minor’s sole argument is that the record lacked sufficient evidence to support the robbery finding. He argues that his use of the box cutter was a future, not a present threat. This argument lacks merit.

In resolving sufficiency of the evidence claims, “an appellate court reviews the entire record in the light most favorable to the prosecution to determine whether it contains evidence that is reasonable, credible, and of solid value, from which a rational trier of fact could find the defendant guilty beyond a reasonable doubt.” (*People v. Gomez* (2008) 43 Cal.4th 249, 265.) The same standard governs review of both juvenile delinquency and adult criminal cases. (*In re Cesar V.* (2011) 192 Cal.App.4th 989, 994.)

“Robbery is defined as ‘the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.’ (Pen. Code, § 211.)” (*People v. Anderson* (2011) 51 Cal.4th 989, 994.) “The intent required for robbery has been described as the specific intent to deprive the victim of the property permanently. [Citations.] Thus, ‘the act of force or intimidation by which the taking is accomplished in robbery must be motivated by the intent to steal’” (*Ibid.*) “The law does require that the perpetrator exert some quantum of force in excess of that ‘necessary to accomplish the mere seizing of the property.’” (*Id.* at p. 995.) “The intent to steal must be formed either before or during the commission of the act of force.” (*People v. Wallace* (2008) 44 Cal.4th 1032, 1077.) The forcible act may be committed to retain the property after the initial taking. (*People v. Gomez, supra*, 43 Cal.4th at p. 265.)

Overwhelming evidence supported the robbery finding. When M.C. did not immediately give change to minor, minor first referenced his “homies.” Minor later pulled a box cutter from his back pocket and held it to M.C.’s collarbone. The blade at his collarbone scared M.C., causing M.C. to turn over the 20 cents in his pocket. A reasonable trier of fact could infer that minor had the intent to steal when he held the box cutter to M.C.’s collarbone. Minor used force before taking the 20 cents from M.C. This is true even though minor told M.C. to give him money “next time.” Minor’s repeated demands for change supported that conclusion that he was asking for money at the time he used the force, which actually caused M.C. to relinquish the change in his pocket.

Minor’s argument that he had abandoned his demand for money when M.C. gave it to him is questionable. The record suggests that throughout his interactions with M.C.

Minor was demanding money with escalating threats. But even assuming that the inference minor advances is reasonable, the evidence also strongly supported the inference that minor demanded cash at the time he used force or fear against M.C. A rationale trier of fact could have found minor guilty beyond a reasonable doubt. (See *People v. Johson* (1980) 26 Cal.3d 557, 579 [substantial evidence supports the conviction when a rationale trier of fact could have found the defendant guilty beyond a reasonable doubt].)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.