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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re I.W., A Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

I.W.,

Defendant and Appellant.

B252368

(Los Angeles County
Super. Ct. No. TJ21000)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Catherine Pratt, Commissioner. Affirmed.

Jeanine G. Strong, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Respondent.

In the underlying proceeding, the juvenile court sustained a petition charging appellant I.W. with assault by means likely to produce great bodily injury. Appellant's court-appointed counsel has filed an opening brief raising no issues. Following our independent examination of the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we conclude that no arguable issues exist, and affirm.

RELEVANT PROCEDURAL AND FACTUAL BACKGROUND

A. Petition

On September 17, 2013, a petition was filed under Welfare and Institutions Code section 602, charging appellant, a minor born in 1997, with assault by means likely to produce great bodily injury on A.S. (Pen. Code, § 245, subd. (a)(4)). Accompanying the charge was an allegation that appellant personally inflicted great bodily injury on A.S. (Pen. Code, § 12022.7, subd. (a)).

B. Evidence at the Adjudication Hearing

1. Prosecution Case-In-Chief

A. testified that at approximately 1:00 a.m. on September 14, 2013, she was attending a slumber party held by a girl named "S." The other party guests included appellant and a girl named "Z." When S. told A. that she wanted A. to sleep in her bedroom, the two began arguing regarding sleeping arrangements. Appellant and Z. were present, and made some comments. According to A., she responded calmly to those comments, and neither threatened nor touched appellant and Z. during the argument.

Due to the argument, A. decided to leave the party. When she departed from the house, appellant and Z. followed her. After she walked approximately 20

steps, Z. hit A.'s head with her fist and appellant punched A.'s face. Appellant and Z. then repeatedly hit A. as she retreated across the street. When A. tripped, someone "stomped" on her, and she momentarily blacked out. A boy appeared and pulled A.'s assailants away. As a result of the beating, A. suffered injuries to her face, including swelling that closed one eye.

After appellant and Z. left, A. walked to a nearby house, where a friend of her mother's lived. At some point, police officers arrived and drove her home. A. said little to them because she wanted her mother to be present when she discussed the incident. Later, A. and her mother went to a police station, where A. told a police officer what had occurred.

2. Defense Evidence

Appellant testified as follows: On September 14, 2103, she attended the sleepover at Z.'s invitation. When A. and S. argued regarding where A. was to sleep, A. became angry, and began to yell. A. left the house, followed by Z. Approximately 20 steps from the house, they "squar[ed] off" in preparation for a fight. After A. threw a punch at Z., appellant approached them in order to pull Z. away. When appellant began to drag Z., A. swung her fist at appellant, but missed. Appellant responded with a punch that missed A. Appellant and Z. then fought until a boy attending the party picked Z. up and carried her back to S.'s house.

Appellant testified that she could not recall touching A. During cross-examination, appellant acknowledged that when S.'s mother called the police regarding the incident, appellant became upset with her. According to appellant, that was because S.'s mother said that appellant "did stuff that [she] didn't do."

3. Rebuttal

A. denied that after leaving the house she took up a fighting stance toward Z. or tried to hit her. She also denied that appellant attempted to stop Z. from hitting her. According to A., she never tried to punch Z.

C. Juvenile Court's Rulings

Following the presentation of evidence at the adjudication hearing, the juvenile court dismissed the special allegation regarding the infliction of great bodily injury, and sustained the allegations regarding the assault by means likely to produce great bodily injury. The court found that A.'s account of appellant's conduct was more credible than appellant's own testimony, pointing to A.'s demeanor as a witness and appellant's testimony that S.'s mother had phoned the police after the incident. The court reasoned that the phone call implied that appellant was an "active participant" in the fight, as it showed that S.'s mother regarded it as necessary to have the police "calm the situation" after A. left the area.

The juvenile court declared appellant to be a ward of the court, declined to reduce the assault to a misdemeanor, and ordered appellant placed in her home on probation, with Los Angeles County Department of Children and Family Services (DCFS) serving as lead agency.¹ This appeal followed.

DISCUSSION

After an examination of the record, appellant's court-appointed counsel filed an opening brief raising no issues and requesting this court to review the

¹ At the time of the dispositional hearing, appellant was a dependent of the juvenile court, and resided in her mother's home under the supervision of the DCFS.

record independently pursuant to *Wende*. In addition, counsel advised appellant of her right to submit by supplemental brief any contentions or argument she wished the court to consider. Appellant has neither presented a brief nor identified any potential issues. Our examination of the entire record establishes that no arguable issues exist. (*Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

EDMON, J.*

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