

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re J.C., a Person Coming Under the Juvenile
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.C.,

Defendant and Appellant.

F088903

(Super. Ct. No. JJD075131)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. John P. Bianco, Judge.

Candice L. Christensen, under appointment by the Court of Appeal, for Defendant and Appellant.

Rob Bonta, Attorney General, Lance E. Winters, Chief Assistant Attorney General, Kimberley A. Donohue, Assistant Attorney General, Eric L. Christoffersen and Chung Mi Choi, Deputy Attorneys General, for Plaintiff and Respondent.

-ooOoo-

* Before Levy, Acting P. J., Detjen, J. and Franson, J.

INTRODUCTION

The Tulare County District Attorney filed a first amended Welfare and Institutions Code section 602, subdivision (a) juvenile wardship petition, alleging minor J.C. resisted, delayed, or obstructed peace officers D. Nelson and/or S. Elias (Pen. Code, § 148, subd. (a)(1)), a misdemeanor. During closing argument at a contested jurisdictional hearing, the juvenile court allowed the People to amend the first amended petition to add officer E. Aguirre as an additional victim. The juvenile court then found the allegation true beyond a reasonable doubt, declared minor a ward of the court, and placed him on probation with terms and conditions.

On appeal, minor contends there was insufficient evidence that he violated Penal Code section 148, subdivision (a)(1). He further contends the juvenile court prejudicially erred in allowing the petition to be amended during closing argument.

We reject minor's contentions and affirm.

FACTUAL BACKGROUND

City of Visalia Police Officer S. Elias was assigned to patrol on May 13, 2023. At approximately 7:02 p.m., she was alerted of a possible stolen vehicle in front of her vehicle. She confirmed with dispatch that the vehicle was stolen and followed it until it was safe to pull it over. During this time, she was able to see the driver and the driver's face but could not see how many people were in the vehicle. She eventually initiated a traffic stop, but the suspect vehicle accelerated and failed to yield. She was advised by her supervisor to disengage the traffic stop but to continue following the vehicle due to it appearing to have mechanical issues. When Elias next encountered the vehicle at an apartment complex, it was unoccupied and three of the doors were left open, indicating to Elias that at least three people were in the vehicle.

As Elias approached the vehicle, she heard dogs barking in the distance and what sounded like people jumping a fence. She went to the back of the apartment complex and saw two people jumping the fence. One was wearing a black shirt and black shorts. The

other wore a gray shirt and tan pants. Minor was not one of these two suspects. Law enforcement began to set up a perimeter and Elias returned to the vehicle. The suspect wearing the gray shirt and tan pants returned to the front of the apartment complex and was taken into custody. The driver of the stolen vehicle was detained by another officer and brought back to Elias's vehicle.

Elias explained that her investigation was obstructed by the vehicle fleeing the traffic stop and the suspects fleeing the vehicle:

“So when a vehicle is reported stolen, we know the person driving the vehicle is not allowed to have the vehicle because it's been reported stolen due to initiating the traffic stop, additionally, the occupants are also detained. So I could not find out who was driving the vehicle or if they had permission to drive the vehicle. It obstructed my investigation in determining whether or not they were supposed to have it.”

City of Visalia Police Officer E. Aguirre testified that, on the date of the incident, he heard his partner Elias advise that she attempted to initiate a traffic stop on a stolen vehicle, but the vehicle failed to stop. Thereafter, Elias advised that she encountered the vehicle unoccupied and heard individuals jumping fences east of the vehicle's location, toward where Aguirre was located. Aguirre observed two officers taking a suspect into custody and was advised of two other suspects. A bystander told Aguirre he believed someone was in his backyard. Aguirre entered the yard, where he observed minor, who was 30 to 50 yards away, wearing a gray shirt and black shorts. Minor was jumping over a fence to the south of Aguirre. Aguirre advised him to stop or he would be “Tased.” Minor then jumped over to the west into an apartment complex alleyway or parking area. Aguirre lost sight of minor. By the time Aguirre jumped the fence and got to the street, his shift supervisor was on top of minor taking him into custody. Minor was bleeding and an ambulance was called.

Aguirre explained that minor's flight obstructed his duties as follows:

“Myself and other officers that were currently en route to the location to try and find the occupants that were jumping fences and the safety for the

public as other officers were coming in, lights and sirens, trying to take these kids into custody. Absolutely.

“My safety when I’m jumping fences, I’m not sure who or what is waiting for me on the other side of the fence. Yes, that definitely obstructs with our concern -- our safety and our duty.”

Aguirre did not write any reports or notes relating to this incident. He reviewed the footage from his body-worn camera in advance of his testimony.

City of Visalia Police Officer D. Nelson responded to the scene after Elias advised that she observed the vehicle stopped and males fleeing from the vehicle. Nelson held the southwest side of the perimeter where he heard a sergeant say he “had one by him.” Nelson was approximately 100 feet from the sergeant and went to assist with detaining the suspect, who was wearing shorts and a gray shirt, and who he identified in court as minor. The sergeant restrained minor while Nelson put him in handcuffs. Nelson explained that minor obstructed him in his duties as follows:

“It took me off from my normal duties for services, and I had to assist putting him into custody and to the hospital, which took me away from my normal calls for services.”

Minor’s counsel entered into evidence the footage from Aguirre’s body-worn camera. The footage was generally consistent with Aguirre’s testimony.

PROCEDURAL HISTORY

On September 6, 2023, an original Welfare and Institutions Code section 602, subdivision (a) juvenile wardship petition was filed alleging that minor, then 16 years old, committed one misdemeanor count of resisting, delaying, or obstructing Nelson, in violation of Penal Code section 148, subdivision (a)(1).

On October 3, 2023, minor denied the allegation and, at minor’s counsel’s request, the court referred the matter to the probation department for a Welfare and Institutions Code section 654.2 informal probation report and recommendation. Minor remained out of custody.

A November 8, 2023 report of the probation officer recommended minor be found suitable for informal probation. The court found minor suitable and placed minor on informal probation on November 9, 2023.

On April 29, 2024, the probation officer filed a report recommending that minor's informal probation be terminated as unsatisfactory and that the court proceed formally based on minor having two contacts with law enforcement and admitting to associating with gang-affiliated friends that had a gun.

On May 7, 2024, the court dismissed minor from informal probation based on his unsatisfactory performance. Minor remained out of custody.

On July 30, 2024, a first amended Welfare and Institutions Code section 602, subdivision (a) juvenile wardship petition was filed, alleging minor resisted, delayed, or obstructed "Officer D. Nelson and/or Officer S. Elias" (boldface & some capitalization omitted) in the discharge of their duties. At a hearing on August 1, 2024, minor's counsel objected to the addition of Officer Elias. The court entered a denial and dismissed the underlying petition. Minor remained out of custody.

A contested jurisdictional hearing was held on October 10, 2024. During closing argument, and over minor's counsel's objection, the court permitted the People to amend the petition to add Aguirre as an additional victim. The court then found the allegations of the amended petition to be true beyond a reasonable doubt as follows:

"The Court finds that there is circumstantial evidence that he evaded Officer Elias. He was found in the area where the other minors or the other individuals were found who fled from a vehicle. Officer Elias testified that there were three doors open, which [s]he believes meant there were at least three people who had fled from that vehicle. She observed two individuals who were wearing different clothing than the minor, who she saw going over a fence. She recognized one of the individuals as the driver when he was later identified, but her testimony is she never saw the minor until during that evening when he was taken directly to the hospital.

"What you have is clear evidence, based on Officer Aguirre's testimony, that he was in pursuit of what he believed to be an auto theft

defendant that he observed . . . minor. He asked the minor to stop. The minor refused to stop. He told him that if he didn't stop, he was going to get Tased. He continued on. That same minor was apprehended by other officers who were in the process of pursuing this.

“So the Court finds there's direct evidence that he failed to abide by Officer Aguirre's request, and he delayed and obstructed Officer Aguirre. He also delayed Officer Elias in the performance of her duties based on the circumstantial evidence that he was one of the individuals in the car, and he delayed or obstructed Officer Nelson in the performance of his duties because he was called from another area that he was patrolling to assist in the capture of individuals in a stolen vehicle.

“He had been charged with one count of a [Penal Code section] 148. The Court believes that the District Attorney has met their burden on both Officer Elias, Officer Nelson and Officer Aguirre. The Court finds the petition true.”

At a disposition hearing on October 29, 2024, the court declared minor a ward of the court and placed him on probation in the custody of his mother, with various terms and conditions.

DISCUSSION

I. Insufficient Evidence of Resisting, Delaying, or Obstructing an Officer

Minor contends there was insufficient evidence that he violated Penal Code section 148, subdivision (a)(1) by resisting, delaying, or obstructing an officer. He raises different arguments with respect to each of the officers. We address his arguments in turn.

A. Standard of Review

“The applicable standard of review is the same [in juvenile cases] as for adult criminal appeals.” (*In re Amanda A.* (2015) 242 Cal.App.4th 537, 545.) “The test for evaluating a sufficiency of evidence claim is deferential: ‘whether, on the entire record, a rational trier of fact could find the defendant guilty beyond a reasonable doubt.’ [Citation.] We must ‘view the evidence in the light most favorable to the People’ and ‘presume in support of the judgment the existence of every fact the trier could reasonably

deduce from the evidence.’ [Citation.] We must also ‘accept logical inferences that the jury might have drawn from the circumstantial evidence.’ ” (*People v. Flores* (2020) 9 Cal.5th 371, 411.)

B. Applicable Law

“ ‘Every person who willfully resists, delays, or obstructs any . . . peace officer . . . in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed . . . ’ is guilty of a misdemeanor.” (*In re Muhammed C.* (2002) 95 Cal.App.4th 1325, 1329 (*Muhammed C.*)). To prove a violation of Penal Code section 148, subdivision (a), a prosecutor must prove: “ ‘(1) the defendant willfully resisted, delayed, or obstructed a peace officer, (2) when the officer was engaged in the performance of his or her duties, and (3) the defendant knew or reasonably should have known that the other person was a peace officer engaged in the performance of his or her duties.’ ” (*Muhammed C.*, at p. 1329.) “The offense is a general intent crime . . . without reference to an intent to do a further act or achieve a future consequence.” (*Ibid.*)

Penal Code section 148 is violated when a suspect engages in “flight and concealment,” delaying an officer’s duties. (*People v. Allen* (1980) 109 Cal.App.3d 981, 986 (*Allen*); see *In re Gregory S.* (1980) 112 Cal.App.3d 764, 778 (*Gregory S.*)). A suspect running away from officers attempting to detain him is a “garden-variety [Penal Code] section 148 violation.” (*In re Andre P.* (1991) 226 Cal.App.3d 1164, 1169.) A suspect who is aware officers are attempting to detain him has a duty to permit himself to be detained. (*Allen*, at p. 985.)

C. Analysis

i. Elias

Minor contends substantial evidence does not support the court’s finding that he resisted, delayed, or obstructed Elias because he had no interaction with her and he therefore could not have known she was a peace officer engaged in the performance of

her duties. He further contends it is speculative to conclude he was in the vehicle because no one saw him in or around it.

We reject these contentions. Circumstantial evidence supports a finding that minor was one of three occupants of the vehicle that eluded Elias's traffic stop. When Elias encountered the parked vehicle, three doors were open, indicating at least three persons had fled from the vehicle. Officers set up a perimeter in the area and apprehended three suspects, one of whom was minor, and all of whom were in the area where the car was abandoned. Additionally, minor's continued flight from the area after already eluding Elias once before may be considered as tending to establish his guilt. (Pen. Code, § 1127c.) His continued flight is circumstantial evidence that minor was aware he had fled, and was fleeing, from a peace officer in the performance of her duties.

Substantial evidence supports the court's finding minor violated Penal Code section 148, subdivision (a)(1) by fleeing from Elias.

ii. Aguirre

Minor contends substantial evidence does not support the court's finding that he resisted, delayed, or obstructed Aguirre because minor did not refuse to comply with Aguirre's order to stop. Rather, he contends that, in this "high-adrenaline [*sic*], emotionally and physically charged situation," he was unable to "swiftly comply" with the order. He further contends it is speculative whether minor heard or saw Aguirre.

In support of his argument, minor relies on *People v. Quiroga* (1993) 16 Cal.App.4th 961. There, an officer responding to a noise complaint entered an apartment where he observed the defendant passing a woman a marijuana cigarette. The officer asked for the cigarette and the defendant stood up and walked into the hall. The officer told the defendant to sit back down on the couch and the defendant argued before complying with the order. The defendant continued arguing with the officer and putting his hand in and out of his pocket. As the officer turned his attention elsewhere, the defendant continued to argue and appeared to be attempting to hide his movements from

the officer as he reached between the couch cushion and the arm of the couch. The officer ordered the defendant to put his hands in his lap; the defendant was uncooperative but eventually complied. However, the officer remained uncomfortable with the defendant's movements and ordered him to stand. After refusing several times, the defendant eventually complied and was moved to another area of the room. (*Id.* at p. 964.) Under the couch cushion, the officer located a plastic bag containing a substance later revealed to be cocaine. (*Id.* at pp. 964–965.) The defendant was arrested and repeatedly refused to provide officers with his name, including during his booking interview. (*Id.* at p. 965.) He eventually was identified by an officer at the jail, and he then acknowledged his name for the first time. (*Ibid.*)

On appeal, the defendant challenged his conviction for violation of Penal Code section 148. (*People v. Quiroga, supra*, 16 Cal.App.4th at p. 965.) The Court of Appeal affirmed based on the defendant's refusal to provide his identity during the booking interview. (*Id.* at p. 972.) However, the court held the defendant's conduct in the apartment prior to his arrest did not support the conviction. (*Id.* at p. 966.) The court acknowledged that the defendant "complied slowly" with the officer's orders but determined that Penal Code section 148 does not "criminalize[] a person's failure to respond with alacrity to police orders." (*Quiroga*, at p. 966.) Additionally, the defendant's verbal criticism of and challenge to the officer's orders was protected by the First Amendment. (*Ibid.*)

Minor attempts to analogize his case to *Quiroga*, asserting he was "unable to swiftly comply with Officer Aguirre's order." However, *Quiroga* is inapposite. Unlike minor, the defendant in *Quiroga* complied with the officer's orders, albeit slowly and with verbal protest. Here, however, minor did not comply at all. Rather, he continued to flee from law enforcement until overtaken and restrained on the ground.

Minor also contends it is speculative whether he heard or saw Aguirre and knew he was being pursued. To the extent there may be any doubt on this point, it is dispelled

by the video evidence from Aguirre's body-worn camera, which clearly shows minor jumping over at least three fences while fleeing Aguirre, being told to stop, and being warned he would be "Tased." In some instances, Aguirre nearly reached the same fence just as minor cleared it. As minor cleared the final fence, Aguirre communicated clearly with another officer on the ground in proximity to minor. The video evidence leaves no doubt that minor heard Aguirre's communications and was aware of Aguirre's pursuit.

iii. Nelson

Minor contends Nelson's assistance with minor's arrest involved nothing more than the performance of his usual professional duties, and Nelson was not obstructed or diverted from those usual duties by his involvement in minor's apprehension. The People contend, without citation to legal authority, that minor "delayed and obstructed Officer Nelson's duties because as a result, the officer was redirected from his typical duties to assist with capturing [minor] and transporting him to the hospital."

Minor has the better argument. Case law has held that a defendant may be guilty of violating Penal Code section 148 through a variety of conduct, including physical resistance, hiding, running away, refusing to comply with orders, distracting officers from an investigation, or failing to provide accurate identity information when required. (See *Muhammed C.*, *supra*, 95 Cal.App.4th at pp. 1329–1330 [discussing cases].) Here, however, Nelson did not become involved with minor until minor was detained by another officer, after which Nelson placed minor in handcuffs and transported him for medical care. There is no allegation that minor resisted or obstructed Nelson during this process. Rather, Nelson testified he was obstructed in his duties simply because he was called away from other calls for services. The People similarly suggest Nelson was obstructed because he was redirected from other duties to assist with minor's arrest and transport. The People do not cite, and we do not find, case law suggesting Penal Code section 148 applies in this context and, indeed, the People's argument proves too much of a reach. The People's interpretation of Penal Code section 148 would extend liability

under the statute to every instance in which an officer responds to a crime or effectuates an arrest.

We therefore agree with minor that Nelson's contact with minor involved the ordinary performance of his professional duties, and substantial evidence does not support the court's finding that minor obstructed, resisted, or delayed Nelson in the performance of those duties.

D. Conclusion

Minor was found to have committed only one count of violating Penal Code section 148, subdivision (a)(1). Although substantial evidence does not support the court's finding that minor violated Penal Code section 148, subdivision (a)(1) by resisting, delaying, or obstructing Nelson, substantial evidence does support the court's findings that minor violated Penal Code section 148, subdivision (a)(1) by resisting, delaying, or obstructing Elias and Aguirre. Accordingly, there is substantial evidence to sustain the violation.

II. Amendment of the Information

Minor contends the court erred in allowing the petition to be amended during closing argument to add Aguirre as an additional victim. We conclude the court did not err in permitting amendment of the petition and, in any event, any error was harmless.

A. Additional Factual Background

To put the amendment of the petition in context, we provide additional background concerning arguments presented at the jurisdictional hearing relating to Aguirre's testimony and the video from his body-worn camera.

The contested jurisdictional hearing commenced on October 10, 2024. At the outset of the hearing, minor's counsel stated she was ready to proceed but had "an issue" that was "brought up at the readiness conference." She stated she did not "have the information [she needed] to really go into it," but had been told the prosecutor would be "putting on a video from an officer who did not write a report." Minor's counsel stated

she reviewed her records and determined she had not been provided with any videos. Additionally, she did not know which officer the video originated from.

The prosecutor confirmed that an officer was present at the scene with his body-worn camera but did not file a report. She further confirmed that the video was disclosed to minor's counsel twice in the past but could not confirm whether it was disclosed to minor's current counsel. The prosecutor indicated her willingness to provide the video to minor's counsel, as well as to proceed without the video based on the officers' testimony.

The court gave minor's counsel the option to proceed without the video or to continue the matter to allow minor's counsel to review the video. Minor's counsel stated she was prepared to proceed and suggested the case was "very old . . . at this point in time." The court agreed the case was old, in part because minor had been on, and terminated from, informal probation. The court also noted that minor's counsel was "almost two hours late for putting this case on" and that the court had been "sitting around all morning for cases to be ready." Further discussion was had regarding minor's counsel's absence from court at the appointed time. The hearing then proceeded with Elias's testimony.

At the conclusion of Elias's testimony, the People called Aguirre as a witness. Minor's counsel objected on the ground she did not have any reports from Aguirre. The prosecutor confirmed Aguirre had provided a video but did not write a report. Minor's counsel stated she was "at a loss" because she had "no idea what [Aguirre would] testify to or what he supposedly saw." The prosecutor confirmed that Aguirre was listed in another officer's report as being present during the investigation as the second responding officer. The court allowed Aguirre to testify as a percipient witness. Minor's counsel objected that she had not received a witness list until the night before. The court stated, "I asked if counsel was ready. You said you were ready. I'm in the middle of a trial. Your request is denied."

Minor's counsel again objected on the ground Aguirre was not listed in the report as a percipient witness but as an "investigating person," and counsel did not receive a witness list until the prior afternoon. The court again emphasized, "[Y]ou answered ready when the Court was ready. Your motion to exclude his testimony is denied." Minor's counsel continued, "I am being asked to cross-examine a witness that has not prepared a report. I do not even know if he supposedly had a video, which has been determined not to be allowed. He's going to be testified [*sic*] as hearsay. I'm going to object as not the best evidence—." The court asked the prosecutor for an offer of proof that Aguirre was present during the incident with minor, which the People confirmed. The court again stated Aguirre would be permitted to testify:

"I gave you an opportunity, counsel, to indicate whether you wanted a continuance to review the video. I have excluded the video because you did not want a continuance, and it was not clear, although counsel's representation as an officer of the Court is that video was provided to minor's counsel. It may not have been you, but minor's counsel on two separate occasions.

"I have accepted your representation that you did not receive it and do not have a copy of it. So I'm not going to allow it to be entered into evidence, but that agreement was reached that this officer can testify. Your motion -- your request is denied."

Thereafter, minor's counsel attempted to continue objecting, but the court urged the People to proceed. At the conclusion of Aguirre's testimony, minor's counsel again objected that "this was a report of video I should have received." The court stated: "I gave you an opportunity to continue this matter to review the video cam. I have reviewed the petition.¹¹ The petition specifically listed this officer. For you to contented [*sic*] you were unaware this officer would testify is without merit. Your motion is denied."

¹ Aguirre is not listed in the original petition or the first amended petition. Based on the parties' prior discussion relating to this topic, the court may have been referring to a police report.

At the conclusion of minor's case, minor's counsel stated that she had reviewed Aguirre's video and would like it put into evidence. The parties stipulated to the video's foundation and the video was played for the court.

In closing, the People argued minor had obstructed Elias and Nelson in the performance of their duties. During minor's counsel's closing argument, she pointed out, "we only have two officers listed here, and that's Elias and Nelson." The court interjected, "Are you moving to amend your petition to proof and add Officer Aguirre?" The prosecutor answered affirmatively. Minor's counsel objected on the ground that Aguirre did not "write a report, did not complain of having anyone run from him." The following exchange occurred:

"THE COURT: Counsel, you've made your record. The Court has given you -- gave you an opportunity before we started this trial to allow you to review or continue it to give you an opportunity to review the DVD. She can call the witnesses who were present. All the officers who were present during the investigation to testify. Officer Aguirre has testified as to what his involvement with the minor was. He has ID'd the minor. He's indicated the minor did not stop when he asked him to stop.

[MINOR'S COUNSEL]: And we had the video, which is all Officer Aguirre relied on was the video. I, personally, did not see this young man in that video until I saw him over the metal fence that was some distance from the officer.

"The other thing, he is not listed, he was not a named person. If he had . . . been, I think he would have had a report. We have been very prejudiced by the fact he didn't have a report.

"THE COURT: The testimony and the offer of proof was they submitted it to prior counsel. I gave you an opportunity, counsel, to continue this because you represented you didn't see it personally. I gave you an opportunity. You declined that opportunity. We went to trial."

The court then found the petition true based on one count of violating Penal Code section 148 as to Elias, Nelson, and Aguirre.

B. Applicable Law

The amendment of juvenile wardship petitions generally is governed by the Code of Civil Procedure. (*In re Man J.* (1983) 149 Cal.App.3d 475, 480 (*Man J.*); Welf. & Inst. Code, § 678; Cal. Rules of Court, rule 5.524(d).) Under the Code of Civil Procedure, the trial court has discretion to allow amendment to a pleading upon notice and “upon any terms as may be just.” (Code of Civ. Proc., § 473, subd. (a)(1).)

The court’s ability to amend a wardship petition is limited by “the same due process rights of notice and opportunity to defend as apply in criminal proceedings.” (*Man J.*, *supra*, 149 Cal.App.3d at p. 481.) “[D]ue process requires that juveniles, like their adult counterparts, have adequate notice of the charges against them so that they may prepare an intelligent defense.” (*In re A.L.* (2015) 233 Cal.App.4th 496, 499 (*A.L.*); accord, *In re Robert G.* (1982) 31 Cal.3d 437, 442 (*Robert G.*).) This includes requiring the juvenile “ ‘be notified, in writing, of the specific charge or factual allegations to be considered at the hearing, and that such written notice be given at the earliest practicable time, and in any event sufficiently in advance of the hearing to permit preparation.’ ” (*Robert G.*, at p. 442.)

“[T]o provide the minor with the notice required by due process, the findings adequate to sustain a petition [are] limited to proof that ‘the minor committed an offense *included within* that charged in the petition.’ ” (*Robert G.*, *supra*, 31 Cal.3d at p. 443.) “[A]mendment of the charging allegations in a delinquency petition is strictly limited once a minor has entered a plea of not guilty.” (*A.L.*, *supra*, 233 Cal.App.4th at p. 500.) “[A]bsent [the minor’s] consent, a wardship petition cannot be amended to conform to proof so as to charge an offense that is neither specifically alleged nor necessarily included within an alleged offense.” (*Man J.*, *supra*, 149 Cal.App.3d at p. 479.) However, “the juvenile court has discretion to permit amendment of a juvenile court wardship petition to correct or make more specific the factual allegations supportive of

the offense charged when the very nature of the charge remains unchanged.” (*Id.* at p. 481.)

We review the court’s decision to allow amendment of a juvenile wardship petition for abuse of discretion. (*A.L., supra*, 233 Cal.App.4th at p. 500.) Under this standard, “ ‘a trial court’s ruling will not be disturbed, and reversal of the judgment is not required, unless the trial court exercised its discretion in an arbitrary, capricious, or patently absurd manner that resulted in a manifest miscarriage of justice’ ” (*People v. Hovarter* (2008) 44 Cal.4th 983, 1004), the “ ‘ruling “ ‘falls outside the bounds of reason’ ” ’ ” (*People v. Ramirez* (2006) 39 Cal.4th 398, 439), or the court’s decision rests on an error of law (*People v. Superior Court (Humberto S.)* (2008) 43 Cal.4th 737, 755).

C. Analysis

Minor contends he was not afforded due process because he was not notified Aguirre would testify until the night before the hearing and he received no written notice the petition would be amended to name Aguirre.

As the People point out, *Man J.* is dispositive of this argument. There, the original petition alleged the minor had violated Penal Code section 594 by injuring or destroying personal property “ ‘to wit; cars, not his own, belonging to S. Wagner.’ ” (*Man J., supra*, 149 Cal.App.3d at p. 478.) The prosecution’s evidence showed, in relevant part, that E. Wagner parked her vehicle and returned to it two hours later to find the windshield broken and footprints across the hood. She saw three other cars with broken windshields and at least a half dozen cars with footprints on them. An officer observed the damage to E. Wagner’s car, as well as footprints on four or five nearby vehicles that also appeared to have dents in them. The officer identified three victims in addition to E. Wagner. (*Ibid.*)

At the close of the prosecution case, the court amended the petition to allege the destruction of “ ‘cars, not his own, belonging to S. Wagner *and others.*’ ” (*Man J., supra*, 149 Cal.App.3d at p. 478.) On appeal, the minor argued the amendment denied him due

process. The Court of Appeal affirmed because “the petition was amended not to charge a new offense, but to change the factual allegations supportive of the offense charged.” (*Id.* at p. 479.) The court explained, “In effect, the amendment corrected the allegation that the damaged cars all belonged to S. Wagner. At all times the minor was on notice as to the charges and allegations against which he would have to defend. These charges were, in essence, that he ‘wilfully, unlawfully and maliciously injured or destroyed personal property, to wit: *cars, not his own*’ (italics added). Whether the cars were all owned by S. Wagner, or by others as well, was immaterial to the minor’s defense, so long as they were all owned by someone other than the minor. The identification or name of the individual owner was not material to the nature of the charge when, as here, the minor was permitted to examine the witness as to the extent of damage to the cars he was charged with having injured.” (*Id.* at pp. 479–480.)

As in *Man J.*, the amendment in this case did not charge a new offense but rather changed the factual allegations supportive of the charged offense to add an additional victim. The nature of the offense charged remained the same and defendant remained on notice that he would be required to defend against a charged violation of Penal Code section 148. (Cf. *Robert G.*, *supra*, 31 Cal.3d at p. 440 [holding it was improper to amend a petition to add a new offense not previously pled].) Such amendment is permissible.

We also reject minor’s contention that he was denied due process because he was unaware Aguirre would testify. Aguirre was listed in the police report, was apparently listed in a witness list provided the day before trial, and the video from Aguirre’s body-worn camera was disclosed to minor’s counsel, albeit his former counsel. Furthermore, even if such notice of Aguirre’s testimony and role in the incident was inadequate, counsel declined the court’s offer to continue the hearing.

Accordingly, we conclude the court did not abuse its discretion in permitting the amendment.

D. Prejudice

Finally, even if we assume the court erred in permitting the amendment, the amendment was not prejudicial.

Federal constitutional error is reviewed for prejudice under the standard set forth in *Chapman v. California* (1967) 386 U.S. 18. (*People v. Gonzalez* (2018) 5 Cal.5th 186, 195–196.) Under *Chapman*, reversal is required unless the error is harmless beyond a reasonable doubt. (*People v. Hendrix* (2022) 13 Cal.5th 933, 942.) Errors of state law are reviewed for prejudice under the standard set forth in *People v. Watson* (1956) 46 Cal.2d 818. (*Hendrix*, at p. 942.) “Under the *Watson* test, an error is harmless unless it is ‘reasonably probable’ the outcome would have been different in the absence of the error.” (*People v. Lynch* (2024) 16 Cal.5th 730, 755.)

Any error in permitting amendment of the petition was harmless under either standard. As explained, the court found minor violated Penal Code section 148 by obstructing Elias in the performance of her duties. We have concluded that substantial evidence supports this finding. To the extent this finding rested in part on Aguirre’s testimony or video, we note Aguirre testified, and the video was admitted, prior to the court’s decision to allow amendment of the petition. It therefore is apparent the court would have permitted the testimony and video, irrespective of any amendment to the petition. As such, we would conclude substantial evidence supports the court’s finding on the violation, even if the amendment to add Aguirre as a victim was improper. Minor cannot show prejudice, and any error was harmless.

DISPOSITION

The orders are affirmed.