Filed 1/7/26 In re R.L. CA5

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

In re R.L., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. R.L., Defendant and Appellant.	F089319 (Super. Ct. No. 19JL-00035D) **OPINION**

THE COURT[*]

APPEAL from a judgment of the Superior Court of Merced County. Jennifer O. Trimble, Judge.

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

Rob Bonta, Attorney General, Charles C. Ragland, Chief Assistant Attorney General, Kimberley A. Donohue, Assistant Attorney General, Darren K. Indermill and Catherine Tennant Nieto, Deputy Attorneys General, for Plaintiff and Respondent.

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[*] Before Peña, Acting P. J., De Santos, J. and Guerra, J.[†]

[†] Judge of the Fresno Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Appellant was found by a juvenile court to have committed an assault and murder in December 2021 and an assault in July 2022. A statute requires that baseline terms for commitment to a secure youth treatment facility (SYTF) be calculated based on the most recent qualifying offense. (Welf. & Inst. Code,[1] § 875, subd. (b)(1).) Here, the juvenile court dismissed the 2022 assault and calculated the baseline term for commitment to an SYTF based on the 2021 murder. Appellant claims this was error. We disagree and affirm.

BACKGROUND

On March 29, 2022, the Merced County District Attorney filed a juvenile wardship petition alleging appellant came under the jurisdiction of the juvenile court pursuant to section 602, subdivision (a). The petition alleged appellant murdered Mykka Thomas (count 1; Pen. Code, § 187, subd. (a)), committed assault with a firearm (count 2; Pen. Code, § 245, subd. (a)(2)), and violated probation as a juvenile (count 3; § 777, subd. (a).) The petition further alleged a personal and intentional firearm discharge enhancement to count 1. (Pen. Code, § 12022.53, subd. (d).)

At the detention hearing, appellant denied the allegations of the petition. The court ordered appellant detained in secured custody.

On August 31, 2022, an amended petition was filed adding a count of assault by means of force likely to cause great bodily injury. (Pen. Code, § 245, subd. (a)(4).) Unlike the other charges, which were alleged to have occurred on December 30, 2021, the new assault charge was alleged to have occurred on July 23, 2022. Again defendant denied the allegations and again the court ordered defendant detained.

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[1] Subsequent statutory references are to the Welfare and Institutions Code unless otherwise noted.

A contested jurisdictional hearing was held on December 3, 2024. At the conclusion of the hearing, the court found all four charges and the firearm enhancement to be true.

At disposition, the court dismissed counts 3 and 4, and stated it wanted to "make sure that the record is clear that the committing offense is the murder in this case." The court declared appellant a ward of the court, committed him to the SYTF, and made several supportive factual findings.

After observing that count 1 (murder) would generally carry a term of 40 years to life, and that appellant could only be confined until age 25, the court ordered appellant's confinement to last six years, seven months and 10 days.

Appellant appeals from the jurisdiction and disposition orders.

FACTS

I.T. testified that she was with her brother Mykka Thomas, her sister A.T., her friend Emily Q., and her cousin Quentin R. on December 30, 2021. The group went to appellant's house in Emily's Jeep to get some AirPods. I.T., Mykka, A.T. and Emily had known appellant for years, and A.T. was particularly close with appellant. Emily was driving and Mykka was in the front seat.

When asked if everyone was getting along that day, I.T. testified appellant and Mykka had been arguing via messages and the phone.

I.T. and A.T. went inside appellant's house and A.T. and appellant began arguing. Appellant said he was going to hit A.T. and I.T. I.T. went outside and appellant followed her. I.T. told Mykka that appellant had said he was going to hit her. Mykka laughed and said, "that n[-]gga's not about to do shit."

Appellant's mother was also present and she began telling Mykka that he had been bullying appellant. Mykka, who was still in the passenger seat of the Jeep, just smiled at appellant's mother.

Appellant told Mykka to get out of the car, and Mykka was "just laughing" because he was not going to get out of the car at first. Appellant kept telling Mykka he was about to shoot him. Appellant walked over to the Jeep and, as Mykka began to open his door, appellant pulled out a gun and fired several shots. Shortly after, I.T. saw that Mykka was "lifeless."

DISCUSSION

I. The Court Did Not Err in Dismissing Counts 3 and 4 and Calculating the Baseline Term Based on the Murder Adjudication

Section 875 permits a court to order a ward over 14 years old committed to an SYTF if certain criteria are met. (§ 875, subd. (a).) In setting the term of confinement, "the court shall set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated." (§ 875, subd. (b)(1).)

"A judge of the juvenile court in which a petition was filed … may dismiss the petition, or may set aside the findings and dismiss the petition, if the court finds that the interests of justice and the welfare of the person who is the subject of the petition require that dismissal." (§ 782, subd. (a)(1).)

Appellant contends that the court was required to impose a baseline term of confinement based on count 3 (assault by means of force likely to cause great bodily injury) because it occurred later in time than counts 1 (murder) and 2 (assault with a deadly weapon).

Forfeiture

The Attorney General contends appellant forfeited the claim by failing to object. Appellant counters that impermissible dispositions are not subject to the forfeiture rule. (See *In re G.C.* (2020) 8 Cal.5th 1119, 1129-1130.) We need not reach forfeiture because we find appellant's underlying claim lacks merit.

Analysis

A similar issue was presented in *In re Greg F.* (2012) 55 Cal.4th 393 (*Greg F.*). At the time, section 733 provided that wards could not be committed to the Division of Juvenile Facilities (DJF) "unless '*the most recent offense* alleged in any petition and admitted or found to be true by the court' (italics added) is one of the violent offenses listed in section 707, subdivision (b)." (*Greg F., supra*, 55 Cal.4th at p. 400.) At the same time, section 782 "provides that the juvenile court has the power to dismiss any wardship petition if 'the interests of justice and the welfare of the minor require such dismissal.' " (*Ibid.*)

The question presented was whether a juvenile court could dismiss a more recent petition that alleges a non-DJF eligible offense so that the case remains one where the ward can be committed to DJF. (See *Greg F., supra*, 55 Cal.4th at p. 400.) Our Supreme Court concluded that, "[b]ased on the plain language of the statutes, legislative history, and the policies served by the juvenile court law, we conclude the court has that discretion." (*Ibid.*)[2]

More recently, in *In re J.P.* (2023) 94 Cal.App.5th 74, the juvenile objected to commitment to an SYTF because his most recent offense did not qualify under section 875. The government moved to dismiss the more recent, nonqualifying offense. The court granted the request and committed the juvenile to an SYTF. (*In re J.P.* at p. 77.)

On appeal, the juvenile contended that section 782 only permitted dismissal of an entire petition, and did not permit dismissal of individual counts. The appeals court rejected the contention and affirmed.

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[2] After acknowledging *Greg F.* and admitting that the principles of *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450 might apply, appellant nonetheless urges our "reconsideration." However, we may not reconsider decisions of the Supreme Court.

Appellant tries to distinguish these cases because "they concerned the juvenile court's ability to place the minor in a more restrictive setting than might have otherwise been the case." In contrast, appellant was eligible for SYTF regardless and the issue in dispute relates solely to calculation of the base term. But this "distinction" does not bear on the Supreme Court's conclusion in *Greg F*. that section 782 permits a juvenile court to dismiss a count in analogous circumstances.

Appellant also contends that applying section 782 to allow dismissal of more recent petitions "all but obliviate[s] the limitations provided for in section 875." But an analogous argument could have been raised in *Greg F.* with respect to the "limitations" in section 733. Yet, the Supreme Court ruled as it did.

Our ultimate conclusion is relatively straightforward. Section 875 requires the baseline term of commitment to an SYTF be calculated based on the most recent qualifying offense. (§ 875, subd. (b)(1).) Here, appellant was found to have committed a murder and assault that occurred on December 30, 2021, as well as an assault that occurred on July 23, 2022. While the later assault was more recent than the murder, the later assault adjudication was dismissed. Since the assault was dismissed, it was no longer an effective adjudication at all. Consequently, the most recent qualifying adjudication *when the court pronounced ultimate disposition* was the murder. As a result, calculating the baseline term with reference to the murder adjudication complied with section 875.

Because we conclude appellant's underlying claim lacks merit, we do not reach any remaining contentions.

DISPOSITION

The jurisdiction and disposition orders are affirmed.