

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

FIRST APPELLATE DISTRICT

DIVISION THREE

In re Micah Y., a Person Coming Under the Juvenile Court Law.
--

THE PEOPLE, Plaintiff and Respondent, v. Micah Y., Defendant and Appellant.

A172381

(Solano County
Super. Ct. No. J21996)

In January 2025, the juvenile court denied Micah Y.’s motion to seal his juvenile record under Welfare and Institutions Code section 786, subdivision (e) (section 786(e); undesignated statutory references are to this code). He appeals. We affirm.

BACKGROUND

In 1990, the prosecutor filed a wardship petition; Micah — then 12 years old — admitted committing unlawful sexual intercourse with another minor. (Former § 602; Pen. Code, former § 261.5.) The juvenile court adjudged him a ward of court. The prosecutor filed another petition in 1991, he admitted committing two more felonies, and the court sustained the allegations and continued his wardship. The prosecutor filed a third petition in 1992, alleging he committed three misdemeanors and another felony.

He admitted the misdemeanors in exchange for dismissal of the felony. The court sustained the misdemeanor allegations, continued his wardship, committed him to juvenile hall for 33 days, and placed him on probation. In 1993, the court terminated its jurisdiction after he successfully completed probation.

In 2018 and 2019, Micah moved to dismiss the petitions and seal his juvenile record under former sections 781 and 782. The juvenile court denied the motions. In 2021, he moved to dismiss the petitions and seal his record again, this time under former sections 781, 782, and 786, subdivision (a). The court denied the motions. He appealed, arguing former section 786 mandates the sealing and destruction of his record. (*In re Micah Y.* (June 24, 2022, A162902 [nonpub. opn.]) (*Micah Y.*.) Relying on *In re O.C.* (2019) 40 Cal.App.5th 1196, we affirmed and concluded he was not eligible for relief under former section 786 because he completed his probation — and the court thus terminated its jurisdiction — years before the provision took effect. (*Micah Y.*, A162902.) In 2023, he asked the juvenile court to dismiss the petitions and seal his record under section 782. The court dismissed the petitions but denied the request to seal without prejudice. In December 2024, he again moved to seal his record, this time under section 786(e). In January 2025, the court denied the motion.

DISCUSSION

Micah contends the trial court erred by denying his motion to seal his juvenile record under section 786(e). We disagree.¹

“Section 786, subdivision (e), provides, in relevant part, ‘[i]f a person *who has been alleged* to be a ward of the juvenile court has their petition

¹ But we acknowledge Micah’s efforts to turn his life around, including his enlisting in the Navy, from which he was honorably discharged in 2006.

dismissed by the court, whether on the motion of the prosecutor or on the court's own motion, *or if the petition is not sustained by the court after an adjudication hearing*, the court shall order sealed all records pertaining to the dismissed petition.' ” (*In re D.H.* (2020) 58 Cal.App.5th 44, 51 (*D.H.*).) “The plain language of the statute refers to dismissals of a petition for a minor ‘alleged to be a ward,’ ” and “is only applicable before the juvenile court declares a minor to be a ward or for a minor ‘alleged to be a ward,’ ” or if “ ‘the petition is not sustained by the court after an adjudication hearing.’ ” (*Id.* at p. 52.)

Section 786(e), is inapplicable to Micah. (*D.H.*, *supra*, 58 Cal.App.5th at p. 52 [subd. (e) did not apply to minor who admitted allegations and declared a ward after each petition]; see *In re W.R.* (2018) 22 Cal.App.5th 284, 291–292 [applying subd. (e) to records resulting from petitions without sustained allegations].) The juvenile court declared Micah a ward after he admitted an allegation in the prosecutor's first petition. During his wardship, the prosecutor filed two more petitions. He admitted allegations as to both, and his wardship continued after each. Thus, all the petitions resulted in sustained allegations, wardship, or continuing wardship. Consequently, subdivision (e) does not apply. (*D.H.*, at p. 52; *In re W.R.*, at pp. 291–292.)

In arguing to the contrary, Micah contends *D.H.* was wrongly decided because the Legislature meant to extend the relief in section 786(e) to wards. We are unpersuaded. He relies on dicta in *In re O.C.*, *supra*, 40 Cal.App.5th at page 1210, footnote 8, but cases “ “ “are not authority for propositions not considered.” ’ ” (*People v. Mazurette* (2001) 24 Cal.4th 789, 797; *In re O.C.*, at pp. 1206–1210 [considering the retroactivity of § 786, not applicability of 786(e) to wards].) And as explained in *D.H.*, if the Legislature intended to

extend subdivision (e)’s relief to wards, the subdivision would have said so. (*D.H.*, *supra*, 58 Cal.App.5th at pp. 52–53.) For example, “[s]ection 786, subdivision (a), states in relevant part: ‘[i]f a person who has *been alleged or found to be a ward,*’ ” the court, among other things, “ ‘shall order sealed all records.’ ” (*Ibid.*, first italics added.) In subdivision (e), the “absence of this language shows the Legislature’s intent” “to provide sealing relief only to a minor who has not yet been declared a ward of the juvenile court,” and we “must harmonize the various parts of a statutory enactment by considering the particular clause or section in the context of the statutory framework.” (*D.H.*, at p. 53; *People v. Vasquez* (2016) 247 Cal.App.4th 513, 519 [we cannot insert what has been omitted from a statute].)

Micah also argues *D.H.* is distinguishable because he successfully completed his probation, and the juvenile court dismissed his petitions under section 782. But he misses the point. Those facts do not bring him within the scope of the statutory language in section 786(e). (*D.H.*, *supra*, 58 Cal.App.5th at pp. 51–53; *In re G.F.* (2017) 12 Cal.App.5th 1, 3 [§ 786 is intended to apply to minors who have a *pending* delinquency petition].)

Since we conclude section 786(e) is inapplicable to Micah, we need not consider his remaining arguments concerning the subdivision because any purported error would be harmless under any standard of review. (*Chapman v. California* (1967) 386 U.S. 18, 24; *People v. Watson* (1956) 46 Cal.2d 818, 836.)

Micah alternately contends the juvenile court erred because he qualifies for record sealing under section 786, subdivision (a). We already rejected this argument in *Micah Y.* Moreover, he forfeited this argument by only seeking relief under subdivision (e) below. (*In re Abram L.* (2013)

219 Cal.App.4th 452, 462 [“a party who does not raise an argument below forfeits the argument on appeal”).) We decline to address it further.

DISPOSITION

The January 2025 order denying Micah’s motion to seal his juvenile record under section 786(e) is affirmed.

RODRIGUEZ, J.

WE CONCUR:

FUJISAKI, Acting P. J.

PETROU, J.

A172381; *P. v. M.Y.*