

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 M.P., a Person Coming Under the Juvenile
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

M.P.,

Defendant and Appellant.

F089543

(Super. Ct. No. 24JL-00104A)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Merced County. Jennifer O.
Trimble, Judge.

Cynthia L. Barnes, 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, Christopher J. Rench and
Jessica A. Eros, Deputy Attorneys General, for Plaintiff and Respondent.

-ooOoo-

* Before Franson, Acting P. J., Peña, J. and DeSantos, J.

INTRODUCTION

M.P. appeals after the juvenile court found he committed voluntary manslaughter (Pen. Code,¹ § 192, subd. (a)), imposed a firearm enhancement pursuant to section 12022.5, subdivision (a) and struck a section 12022.53, subdivision (d) allegation, sustained a Welfare and Institutions Code section 602 petition, and ordered suitable placement in a secure facility. On appeal, M.P. contends the evidence was insufficient to support the finding he committed voluntary manslaughter.

We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The Petition

On June 20, 2024, the District Attorney of Merced County filed a juvenile wardship petition, alleging that on June 15, 2024, M.P. committed murder (§ 187, subd. (a); count 1). The petition also alleged as to count 1 that M.P. personally and intentionally discharged a firearm, which caused great bodily injury and death (§ 12022.53 subd. (d)); he personally and intentionally fired a firearm (§ 12022.53, subd. (c)); and he personally used a firearm (§ 12022.53, subd. (b)).

The Jurisdictional Hearing

The juvenile court held a contested jurisdictional hearing in January 2025. P.O. testified, on June 15, 2024, she lived in an apartment she shared with Maria S. and Maria's son, E.M. P.O. explained, the front door to the apartment opened into the living room and, to the right, there was a hallway. When you entered the hallway, the first room on the right was a bedroom and then, further down the hallway, there was a bathroom to the left. That day, P.O. was watching television in the living room while E.M. was watching television in the bedroom. At around 3:15 p.m., there was a knock at the door

¹ All further statutory references are to the Penal Code unless otherwise indicated.

and M.P. came in with a woman and a little girl who appeared to be four or five years old. The group went to E.M.'s bedroom and then M.P. "poked his head around the corner from the bedroom" and "said he was waiting on the weed man."

Approximately 15 minutes later, a stocky man was at the door and M.P. let him in. M.P. and the man walked to the hallway. P.O. could not hear what they were saying. P.O. eventually heard one gunshot and M.P., E.M., and the girl immediately ran out of the hallway. They said, " 'Don't say anything, we'll give you money,' " which P.O. interpreted to mean do not tell the police. P.O. first called E.M.'s mother and then called 911. The 911 operator asked P.O. to make sure the man was dead so she went to look at him and confirmed he was dead. The man had been shot in the head.

Jasmine L. testified she had only known M.P. for approximately three months before the night of the shooting. In June 2024, Jasmine lived with M.P. and M.P.'s mother. At the time, Jasmine was working as an "escort"; she made money by providing sexual services to men. Jasmine had a website and men would contact her by phone. M.P. "would hold on to the money" and he would spend it on "whatever drugs he was using at the time," including Xanax, "percs," and weed.

The morning of June 15, 2024, Jasmine was arranging a meeting to provide services to a man, Miguel T. When Miguel arrived at M.P.'s house, M.P.'s mother told him to leave. Jasmine told Miguel that she "would just text him later for the service again." M.P. and his mother got in an altercation and M.P., Jasmine, and Jasmine's daughter left and went to E.M.'s apartment. At some point, Jasmine's daughter was picked up by her grandmother.

Jasmine arranged to meet Miguel at E.M.'s apartment. Miguel arrived at E.M.'s apartment and Jasmine let him in. Jasmine described Miguel as muscular and bigger and older than M.P. Jasmine and Miguel went to the bedroom where Miguel gave Jasmine \$200 in cash. Jasmine testified Miguel did not have a gun on him; she did not feel or see

one. M.P. and E.M. were in the bathroom and Jasmine gave M.P. the money before she continued with Miguel.

Jasmine “tried ... going through the service,” but she “didn’t want to go through with it because it was ... too aggressive.” Miguel was “really aggressive” with Jasmine; he was squeezing her arms. Jasmine told him to leave. Miguel did not want to leave; he “wanted the service or his money back.”

According to Jasmine, M.P. and E.M. were in the bathroom “[c]runching up ... percs and sniffing them.” Jasmine went to the bathroom, knocked on the door, and told the boys she “was going to have [Miguel] leave.” The next thing Jasmine knew, M.P. and Miguel were in each other’s faces. Miguel was saying, “If I’m going to leave ... give me my \$200.” M.P. did not want to give him the \$200, so it “escalated.” M.P. pulled out a gun and pointed it at Miguel. Jasmine knew M.P. had a gun but she did not know he had it with him that day. Miguel said, “Well, if you’re going to hold the gun, then you might as well shoot me. If not, then move the gun out of my face.” M.P. continued to hold the gun to Miguel’s face. M.P. said, “I will shoot you,” then he shot Miguel in the head. Jasmine’s ears were ringing and she saw Miguel on the ground “bleeding out.” Jasmine, M.P., and E.M. left and went to another apartment complex where they waited for M.P.’s friend to pick them up. They made their way to San Jose where they were apprehended by police in a motel room.

E.M. testified he and M.P. had grown up together. On June 15, 2024, M.P. came over to his house. The prosecution presented a videotaped interview the police conducted with E.M. two days after the incident. E.M. testified he “told them what they wanted to hear.” He also testified he told the truth about everything he remembered. E.M. testified he kept telling the “buff guy” to leave the house but he was not leaving. E.M. was going to fight him; they were having an aggressive, face-to-face confrontation. He testified he did not remember how the buff guy got shot. He denied having a gun or shooting the

buff guy. E.M. testified he did not recall telling the police M.P. was right behind him as E.M. went to pull up his pants to fight and then E.M. asked M.P. why he shot.

Detective Matthew Calcagno was the primary investigating officer assigned to the shooting. He explained one spent bullet was found in the closet; it had gone through the bedroom wall. Miguel was found in the hallway of the apartment. Calcagno testified he spoke to E.M. after the shooting and E.M. reported that M.P. shot Miguel as E.M. was getting ready to fight Miguel. Miguel “dropped” and they left the residence. Calcagno testified M.P. was 14 years old at the time of the shooting, Jasmine was 22, and E.M. was 16.

The forensic pathologist who conducted the autopsy on Miguel’s body testified Miguel had a gunshot wound on the left side of his forehead and an exit wound in the back of the right side of the head; the bullet went completely through. The gunpowder soot and stippling—tiny abrasions or scrapes to the skin caused by unburned gunpowder that exits the muzzle of the weapon—suggested the gun was near the skin, approximately six to eight inches away when the gun was fired. He explained the type of gunshot wound presented would have caused death “very, very quickly.” He determined Miguel’s cause of death to be a gunshot wound of the head. He also noted that Miguel was five feet six inches tall and weighed 209 pounds and his body mass index of 34 would “fall in the obese range.”

In closing, the prosecutor argued the shooting was first degree, premeditated murder. The prosecutor asserted there was no evidence M.P. believed he was in danger such that this was self-defense and there was no evidence to believe Miguel was going to be physically violent.

The defense asserted the prosecution failed to prove its case beyond a reasonable doubt, asserting Jasmine and E.M. were not “credible witnesses”; Jasmine’s testimony was “unreliable”; E.M. made “really confusing statements”; and they were “the only people that put the gun in [M.P.]’s hands.” The defense further argued, even if the

juvenile court believed beyond a reasonable doubt that M.P. was the shooter, it was reasonable for M.P. to think he, Jasmine, and E.M. were in danger and that Miguel was going to assault them all. Alternatively, the defense asserted “even if it wasn’t escalating to that point to where it was reasonable for [M.P.] to shoot the decedent, given everything else going on, as crazy as the situation was, ... it is reasonable for the Court to conclude that [M.P.] was so freaked out by the situation, that he honestly thought he needed to shoot even if it wasn’t reasonable for him to do so. So that’s where we get to imperfect self-defense manslaughter.”

Findings

The juvenile court found beyond a reasonable doubt that M.P. shot the victim in imperfect self-defense in that M.P. believed that he or somebody else was in imminent danger of being killed or suffering great bodily injury “based on the stout or stocky victim coming towards him.” The court found M.P. believed the immediate use of deadly force was necessary to defend against the danger but those beliefs were unreasonable. Accordingly, the court found M.P. guilty of voluntary manslaughter (§ 192, subd. (a)) and found he personally and intentionally discharged a firearm causing death (§ 12022.53, subd. (d)).

The juvenile court declared M.P. a ward of the court and it found the offense M.P. committed fell under Welfare and Institutions Code section 707, subdivision (b). The court imposed a firearm enhancement pursuant to section 12022.5, subdivision (a) and struck the section 12022.53, subdivision (d) allegation. It further ordered M.P. be placed in a secure youth treatment facility with a maximum confinement time of nine years six months 29 days with a baseline confinement of five years.

DISCUSSION

In his sole issue on appeal, defendant contends the evidence was insufficient to support the court’s finding of voluntary manslaughter. We disagree.

Standard of Review

“ ‘The standard of proof in juvenile proceedings involving criminal acts is the same as the standard in adult criminal trials. [Citation.]’ [Citation.] ‘In considering the sufficiency of the evidence in a juvenile proceeding, the appellate court “must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. We must presume in support of the judgment the existence of every fact the trier of fact could reasonably deduce from the evidence [citation] and we must make all reasonable inferences that support the finding of the juvenile court.” ’ ” (*In re Gary F.* (2014) 226 Cal.App.4th 1076, 1080; see *In re Roderick P.* (1972) 7 Cal.3d 801, 809 [“same principles are applicable to a review on appeal of the sufficiency of the evidence to support a finding in a juvenile proceeding that the minor violated a criminal statute”].) Substantial evidence is “evidence that is reasonable, credible, and of solid value.” (*People v. Cardenas* (2025) 18 Cal.5th 797, 821.)

“ ‘Although we must ensure the evidence is reasonable, credible, and of solid value, nonetheless it is the exclusive province of the trial judge or jury to determine the credibility of a witness and the truth or falsity of the facts on which that determination depends. [Citation.] Thus, if the verdict is supported by substantial evidence, we must accord due deference to the trier of fact and not substitute our evaluation of a witness’s credibility for that of the fact finder.’ ” (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.) “The same standard applies when the conviction rests primarily on circumstantial evidence. [Citation.] Although it is the [trier of fact]’s duty to acquit a defendant if it finds the circumstantial evidence susceptible of two reasonable interpretations, one of which suggests guilt and the other innocence, it is the [trier of fact], not the appellate court that must be convinced of the defendant’s guilt beyond a reasonable doubt. [Citation.] ‘ “If the circumstances reasonably justify the trier of fact’s findings, the

opinion of the reviewing court that the circumstances might also reasonably be reconciled with a contrary finding does not warrant a reversal of the judgment.” ’ ”
(*People v. Kraft* (2000) 23 Cal.4th 978, 1053–1054.)

Applicable Law

California defines the crime of murder as the unlawful killing of a human being with malice aforethought. (*People v. Schuller* (2023) 15 Cal.5th 237, 243.) Under the doctrine of imperfect self-defense, however, “ ‘[i]f a person kills ... in the unreasonable but good faith belief in having to act in self-defense, the belief negates what would otherwise be malice, and that person is guilty of voluntary manslaughter ..., not murder.’ ” (*Ibid.*; *People v. McCoy* (2001) 25 Cal.4th 1111, 1116.) That is, “[a]n instance of imperfect self-defense occurs when a defendant acts in the actual but unreasonable belief that he or she is in imminent danger of great bodily injury or death. [Citation.] Imperfect self-defense differs from complete self-defense, which requires not only an honest but also a reasonable belief of the need to defend oneself.” (*People v. Simon* (2016) 1 Cal.5th 98, 132.)

Analysis

M.P. asserts the juvenile court erred by rejecting evidence from the adjudication demonstrating he reasonably shot the victim in self-defense of himself and Jasmine and he lacked the intent to kill. He asserts the decedent was a “big, overweight man who worked as a welder and knew how to fight,” and he “clearly demonstrated that he was angry and not willing to leave Jasmine alone or leave the apartment.” He argues that the decedent threatened him “by saying that [M.P.] may as well shoot him and, if not, [M.P.] should move the gun out of [his] face and give him his money back.” M.P., “a 14[-]year[-]old child, took his threats seriously and as a threat to himself and his friend.” He contends, under the circumstances, a person in his position would conclude that he was in danger and needed to defend himself and Jasmine from further harm by the angry

adult male making threats to them in the hallway of the residence. Accordingly, the court should have dismissed the petition against him. The People respond that substantial evidence supports the voluntary manslaughter finding. They argue the record supports a finding M.P.'s belief that he was in imminent danger of bodily harm was not objectively reasonable. They assert, "[e]ven with a gun pointed at him, [Miguel] did nothing violent and merely told [M.P.] to either shoot him or put the gun away." Additionally, "a reasonable person in [M.P.'s] position would not have believed that the argument would expose him to imminent danger of death or great bodily injury." They note that Miguel was "unarmed" while M.P. was armed and Miguel did not threaten anyone or become violent. They assert, "[a]ll [M.P.] had to do was return the money, but instead he responded with lethal violence." They also argue the force used exceeded that which was justified as a reasonable person would not have found deadly force necessary. We conclude substantial evidence supports the court's finding.

Here, there was substantial evidence from which a reasonable trier of fact could conclude that defendant honestly and actually believed in the need to defend himself and/or Jasmine and E.M., but that belief was unreasonable in light of the circumstances such that M.P. was guilty of voluntary manslaughter based on imperfect self-defense. The evidence presented supported a conclusion that M.P., who was 14 years old at the time, shot Miguel in the head at close range. There was also evidence from which the juvenile court could have concluded M.P. was on drugs at the time. As the People note, there was no evidence Miguel was armed. Rather, Jasmine expressly testified Miguel did not have a firearm on him. And, contrary to M.P.'s contention, there is no evidence Miguel threatened M.P., E.M., or Jasmine with great bodily injury or death immediately prior to the shooting. Indeed, there was no evidence he threatened them with violence of any kind immediately preceding the shooting. Rather, he was asking for his money back. While the court could reasonably deduce Miguel was bigger than M.P. based on his weight and size, there was no evidence in the record, as defendant contends, that Miguel

was a welder or an experienced fighter or that defendant was aware of such facts, even if true.

Thus, the juvenile court could reasonably conclude from the evidence presented that M.P. subjectively believed in the need to defend based on a fear of imminent harm, but that his belief was objectively unreasonable in light of the circumstances. Moreover, a reasonable trier of fact could have concluded that the use of deadly force was not justified under the circumstances—the victim was unarmed, not threatening violence, but rather asking for his money back. (See *People v. Minifie* (1996) 13 Cal.4th 1055, 1065 [“ ‘[A]ny right of self-defense is limited to the use of such force as is reasonable under the circumstances.’ ”]; *People v. Pinholster* (1992) 1 Cal.4th 865, 966 [“The right of self-defense did not provide defendant with any justification or excuse for using deadly force to repel a nonlethal attack.”], disapproved of on other grounds in *People v. Williams* (2010) 49 Cal.4th 405, 459.)

On this record, we conclude substantial evidence supports the juvenile court’s conclusion M.P. unlawfully, but nonmaliciously, killed the victim in imperfect self-defense. (See generally *People v. Rios* (2000) 23 Cal.4th 450, 454 [imperfect self-defense negates the murder element of malice and an intentional or consciously indifferent but “nonmalicious criminal homicide is *voluntary* manslaughter but no lesser offense”]; *People v. Blakeley* (2000) 23 Cal.4th 82, 88–89 [“when a defendant, acting with conscious disregard for life, unintentionally kills in unreasonable self-defense, the killing is voluntary ... manslaughter.”].) Thus, we reject defendant’s sole contention.

DISPOSITION

We affirm.