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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

B342820

Plaintiff and Respondent,

(Los Angeles County
Super. Ct. No. TJ23364-
111722)

v.

A.W.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Christina L. Hill, Judge. Affirmed.

Kristen Owen, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A.W. was charged with a murder committed when he was 16 years old. After a hearing under Welfare and Institutions Code¹ section 707, subdivision (a), the trial court transferred this case to adult criminal court. A.W. appealed the transfer order, and his appellate counsel filed a brief under *People v. Wende* (1979) 25 Cal.3d 436, asking us to review the record independently. Having done so, we affirm the order.

BACKGROUND

I. Petition and transfer motion

In November 2022, the People filed a petition under section 602 that alleged A.W. murdered Lavell Gilchrist. The People moved to transfer the case to a court of criminal jurisdiction, and A.W. opposed the motion. The juvenile court scheduled a transfer hearing, which took place in January 2025.

II. Transfer hearing

At the hearing, evidence was admitted about A.W.'s background, commitment to camp, the murder of 16-year old Gilchrist, A.W.'s criminal history, and his progress in detention.

A. *A.W.'s background*

A.W. was born in September 2004. A.W.'s mother and father never married and were not living together when he was born. Although not clear, A.W. apparently lived for prolonged periods with his paternal grandmother, with whom he was close.

In January 2005, the Department of Social Services (the department) received a report that A.W.'s mother had left her

¹ All further undesignated statutory references are to the Welfare and Institutions Code.

children at night with a 12-year old babysitter. A.W.’s mother explained that she left her nine-year-old child and baby A.W. with the babysitter and mother’s 15-year-old brother. The department did not open a case based on the incident.

When A.W. was three years old, the department investigated A.W.’s family after mother’s minor cousin hit A.W. with a belt. A.W. reported that mother’s minor cousin put his mouth on A.W.’s penis. After A.W.’s family agreed to keep the children apart, the referral was closed.

According to paternal grandmother, A.W. began getting in trouble when he was 14 years old and had returned to his mother’s care. A.W.’s criminal history began in June 2019, when 14-year old A.W. broke into a car dealership, stole two cars, and crashed them. He was released to his mother, who hit him in the face, leaving a welt, and left him. His mother later explained that she hit A.W. out of frustration. A social worker investigated the family but found allegations of general neglect and physical abuse inconclusive.

According to a case worker’s notes, in July 2019, A.W. stole mother’s car, so she sent A.W. to live with his father. But father then told mother that A.W. stole his grandmother’s car and had been arrested for robbery.

From June 2019 to January 2020, A.W. had multiple arrests for robbery, burglary, and violations of the Vehicle Code, resulting in six sustained juvenile petitions.

B. *A.W.’s camp commitment in 2020*

A.W. was committed to Camp Afflerbaugh from March 6, 2020 through November 2020. During that time, Juan Sanchez was a deputy probation officer at the camp, and he interacted with A.W. daily. A.W. was supposed to be at camp for five to

seven months, but his time was extended to eight months because he engaged in gang-related incidents of fighting, disruptive behavior, and possessed contraband.

Due to the COVID pandemic, programs were not available throughout the summer while A.W. was at the camp, and some programming went from in-person to virtual. However, A.W. had weekly meetings with a dialectical behavior therapist and went to school every day. He completed eight lessons of the conflict resolution curriculum, a 10-week peer support program, 142 hours of community service (which exceeded the required 100 hours), and a five-week substance abuse psycho-education program. He also participated in a behavioral management program designed to entice young people to perform well and to engage in good behavior.

While at camp, A.W. had 33 write-ups for, among other things, not following instructions and trying to entice others not to follow them, and a gang-related physical altercation that A.W. instigated. He was also found with a vape pen and marijuana cartridges and had about 15 fights, most of which were gang-related.

Sanchez described A.W. as continuously defiant toward authority and someone who refused to express remorse for misbehaving. He also described A.W. as sophisticated, street smart for his age, and manipulative. However, Sanchez also said A.W. was at times respectful to him but generally noncompliant, and if A.W. exerted himself, he could have done well.

Sanchez wrote a notice of violation of probation in November 2020.

A.W. was released from camp on November 30, 2020. After A.W.’s release, his social media communications suggested that he was selling large amounts of marijuana.

C. *Murder of Gilchrist*

Just months after his release from camp, A.W. committed the at-issue crime.² Gilchrist was shot and killed on January 5, 2021, at about 10:45 p.m., near his apartment building on South Hope Street. Gilchrist was a Blocc Crip gang member. His gang was feuding with the gang A.W. belonged to, the 111 Neighborhood Crips.

Video surveillance showed that at about 9:43 p.m. a red jeep followed by a white car drove up and down South Hope Street continuously. Soon thereafter, an individual wearing dark clothes approached the front door of Gilchrist’s apartment building, left, and returned a few minutes later with A.W. A.W. and his accomplice then went into the parking lot directly across from the apartment building’s entrance. While they were in the parking lot, Gilchrist arrived on foot and went into the apartment building. Shortly after, A.W. and his accomplice walked toward South Hope Street and out of camera view. The red jeep was seen driving up and down the street again.

Forty-five minutes after Gilchrist arrived home, A.W. and his accomplice returned to the parking lot. Five minutes later, Gilchrist exited his apartment. A.W. and his accomplice followed him and hid behind a concrete pillar. When Gilchrist walked

² At a transfer hearing, a juvenile court assumes that the minor committed the underlying offenses. (*People v. Superior Court (Jones)* (1998) 18 Cal.4th 667, 682.)

toward them, they both shot at him.³ Gilchrist collapsed, and the shooters ran, but A.W.’s accomplice turned and shot once more at Gilchrist. In total, A.W. shot at Gilchrist once, and A.W.’s companion shot numerous rounds.⁴

The investigation into the murder revealed that on the day Gilchrist was killed, he communicated via Instagram with someone called “‘the Realist.’” Gilchrist and the Realist agreed to meet. After Gilchrist sent his address to the Realist, the Realist responded “‘omw’” (on my way), and shortly after that, said “‘I’m pulling up in a white vehicle.’” Gilchrist responded that he was coming right down.

In the weeks leading to Gilchrist’s murder, A.W. communicated with someone over social media to obtain a gun and ammunition.

D. *A.W.’s other criminal history*

Just weeks after A.W. killed Gilchrist, Khaliq Osifeso was murdered on January 29, 2021. Video surveillance showed A.W. and Osifeso smoking a cigar together and talking. A.W. then shot Osifeso several times. A.W. has been separately charged with Osifeso’s murder.

A.W. also committed a series of robberies in January and February 2021. On January 16, 2021, A.W. and an accomplice robbed a market.

³ Police were unable to identify the other shooter. However, they identified the driver of the red car who drove A.W. to Gilchrist’s apartment as Hakim Bell, who was also a 111 Neighborhood Crip gang member.

⁴ Eight .40-caliber cartridge casings and one 9-millimeter cartridge case were recovered from the crime scene.

On January 29, 2021, A.W. and two accomplices robbed four 7-Eleven stores. During one robbery, A.W. pursued the cashier as she tried to escape and took her necklace. During another robbery, A.W. pointed a gun at a cashier. A.W. pushed another cashier to the ground.

On February 5, 2021, A.W., acting alone, robbed a Boost Mobile store. A.W. told the visibly frightened employee that he was not going to shoot or hurt her.

On February 7, 2021, A.W. failed to stop at a red light, was pulled over, and officers found a loaded gun in the car.

A.W. was arrested in March 2021.

E. *A.W.'s commitment to the Division of Juvenile Justice (DJJ)*

For about a year, beginning in September 2021, A.W. was at Ventura Youth Correctional Facility (Ventura), where Erika Mutchler has been a parole agent since 2020. Mutchler testified generally about what happens when a juvenile is committed to Ventura.

When juveniles are committed, they go through an intake process, which includes interviews with a psychologist and a case work specialist and a Youth Assessment and Screening Instrument (YASI), which is a tool to evaluate recidivism and areas of strength and risk. YASI has 11 “domains” it assesses, including legal history, health, family, education/employment, community, social networks, substance use, aggression, attitude, and adaptive skills.

Juveniles are assigned levels when they arrive. All juveniles begin at D level, and they can work their way to A level by earning points. A.W. got to A level, but lost it by getting into a fight.

DJJ has three levels of infractions. Level 1 is minor conduct, Level 2 is remediate conduct, and Level 3 is serious misconduct. Level 3 conduct includes refusal to provide a urine sample, a positive drug test, physical altercations, anything related to staff, and gang activity.

Juveniles are given a “projected board date,” which is seven years for someone like A.W. charged with murder. However, a juvenile can earn program credits to reduce their projected board date. Credits can also be lost.

While at Ventura, A.W. participated in Intro to Treatment, which introduces youths to evidence-based treatment; moral reconation therapy (MRT), which is conducted by a psychologist; skill of the week, which teaches basic skills like starting a conversation and responding to negativity; and journaling, which has youths respond in writing to a prompt, such as “‘What got me here.’” A.W. also participated in Counterpoint to address criminal behavior and healthy coping strategies, but he did not complete the program because he was remanded to Los Angeles County. A.W. completed a four-month long substance abuse counseling program, and he voluntarily saw a psychologist. While at Ventura, A.W. completed high school and took college classes, and he participated in the prison education project, which helps youths with the college or trade school application process.

A.W.’s first YASI assessment was administered when he arrived at Ventura in September 2021. He had no changes in his October and November 2021 assessments. His adaptive skills went from high to moderate, his social networks factor remained high but the risk level decreased in the January 2022 assessment. He had some increases in strength for

aggression/violence, social networks, and adaptive skills. His overall need remained high/moderate in his last assessment in September 2022.

While A.W. was at Ventura, he had disposition reports for incidents on September 13, 2021, December 25, 2021, February 20 and 25, 2022, March 17 and 29, 2022, and May 9, 2022. In October 2022, A.W. had a verbal altercation with another youth, which resulted in a Level 2 infraction. In November 2022, A.W. asked his mother to smuggle contraband to him, but she refused.

Mutchler believed that A.W. started to learn positive coping strategies during his time at Ventura. Even though A.W. got into a fight, he had also avoided other altercations.

F *A.W.'s detention after his arrest*

Deputy Probation Officer Kurtis Miller supervised case workers at secure youth treatment facilities. In November 2022, A.W. was transferred to one such facility, Barry J. Nidorf. Nidorf has four units: X, W, CD, and Honors. Honors unit is for young men who have shown exemplary behavior, and that unit has special programming. CD unit is one step below Honors unit and also has extra privileges. It is not easy to get into CD unit, partly because it only has 20 beds, the youth population is 90, and out of 70 juveniles only three or four generally are eligible.

But, according to Miller, when a youth gets into CD unit, “the light often clicks,” meaning they start to see a pathway to release and feel like they have a future.

Progress is measured in stages, with all juveniles beginning at stage 1 with the potential to advance to stage 8 based on behavior, participation in programs, and school attendance. The goal for those who get to CD unit is to go to Camp Kilpatrick, which is a community step down program. To get to the next

stage, a juvenile must earn “made days,” which they get by complying with the program and being incident-free.

In June 2023, A.W. had several incidents, including having Cash App⁵ names in his room and smoking. But he also received a positive case note for “running a good program and displaying leadership qualities.”

In December 2023, A.W. had drug contraband.

In February 2024, A.W. had a fight with another juvenile over a video game, but the other juvenile struck A.W. first. Later that same day, A.W. and another youth had a fight. Even when staff intervened, A.W. continued to attack the other youth and A.W. had to be pepper sprayed. As a result of that fight, A.W. was denied a six-month reduction in his base term that had been previously recommended.

In March 2024, A.W. was not allowed to Facetime his girlfriend, and he told a member of staff, “ ‘This will be noted,’ ” which could be interpreted as a threat or an intent to write a grievance.

A.W. transferred to CD unit in April 2024. A few days after he arrived, A.W. appeared to be under the influence of a substance, and a vape pen was found in the common area. The next day, A.W. said he was unable to produce a urine sample, so the tester asked for a saliva swab. Before his mouth was swabbed, A.W. brushed his teeth. The test did not come back positive for drugs. A.W. also engaged in gang activity around this time by shouting and throwing gang signs, which resulted in a write-up. Miller talked to A.W. about changing and what he

⁵ Cash App is a way to receive or send money.

had to do to get to Honors unit. A.W. gave his word, and Miller saw a significant improvement in A.W.'s behavior.

In May 2024, A.W. accosted his probation officer, Landin, and demanded to see the progress report that she was going to submit to court. Although Landin told A.W. multiple times he was not allowed to see the report, he was insistent, demanding, and challenging. Miller talked to A.W. about this incident, and A.W. seemed receptive to what Miller had to say. However, just over a week later, A.W. again accosted Landin and demanded to see the detention observation report that was going to be submitted to court and further demanded that she attach his certificates to the report. Miller talked to A.W. again, and A.W. wanted a different probation officer. Although Miller generally does not grant such requests, he reassigned Landin because she and A.W. butted heads too often and she was exhausted.

In June 2024, A.W. engaged in gang activity by throwing gang signs, however, he also had a positive week that month during which he demonstrated leadership and prosocial skills. In July 2024, he was argumentative, questioned instructions, and tried to manipulate staff into running the program to his liking. He also tried to walk away while being counseled after a visit with his girlfriend was cancelled because she smelled of marijuana. That same month, he refused to wrap up a call he was on. However, he also helped with unit duties and had displayed a positive, respectful demeanor.

In September 2024, he had to be reinstructed about "line movement expectations." But he also participated in youth council and displayed leadership and communication skills.

Twice in October 2024 he disrupted programs by banging on tables and being disrespectful to others. In October 2024,

A.W. threw gang signs to a friend with whom A.W. had committed robberies.

At the time of the transfer hearing, A.W. was stage 8 and in the Honors unit. Miller had minimal but weekly contact with A.W., but thought that A.W. had made significant strides since July 2023 and had demonstrated a capacity to grow and mature.

G. *Expert opinion*

Deputy Probation Officer Latanya White reviewed reports concerning A.W., including probation, behavioral, and police reports. She authored a report about whether A.W. should be transferred to adult court. However, White never met or spoke to A.W.

As to the degree of criminal sophistication A.W. exhibited, White considered that he lay in wait for Gilchrist, lured him outside, and worked with accomplices.

Next, White believed it was possible A.W. could be rehabilitated before expiration of the juvenile court's jurisdiction at the age of 25 because he had made advancements since his detention, graduated from high school, and obtained his associate degree. Even so, she did not think it probable A.W. would rehabilitate, because he would make advancements while in detention but reoffend as soon as he was released. And since he was detained for Osifeso's murder, he remained entrenched in gang activity.

The next factor, A.W.'s prior delinquent history, also showed he was not fit for juvenile court in White's opinion. A.W. was a self-admitted gang member, and his crimes from 2019 to 2021 became increasingly egregious and violent, going from robberies to murder.

H. *Defense evidence*

Sam Lewis runs the Anti-Recidivism Coalition, an organization that mentors young people housed in various facilities. Since about December 2022, Lewis has mentored A.W. Lewis and A.W. meet every Saturday individually for 30 minutes and in a group for one-to-two hours. They discuss public speaking, understanding actions, and engaging in programs.

A.W. has participated in a criminals and gangs anonymous group and dialectical behavior therapy. The criminals and gangs group is a 12-step program that explores thinking and abuse systems. A.W. completed 214 hours in various programs, and has been consistently engaged with Lewis, other mentors, and participants. Lewis believes that A.W. has a desire to change and become a full citizen, and Lewis has witnessed changes in A.W. For example, A.W. has gone against his subgroup's (gang) social norms by not fighting rivals. A.W. is committed to education, is trying to learn a trade, and has worked to understand his responsibility for his actions. A.W. is focused on finishing school but has not decided what he wants to do in the future.

Lewis does not testify for every mentee, but he testified for A.W. because A.W. has not had any issues in Lewis's or his staff's presence, although Lewis agreed he did not know about any conduct A.W. engaged in that took place outside of Lewis's presence. Lewis was "certain" A.W. would be successful so long as he had support and guidance.

III. The trial court's order

On December 17, 2024, the juvenile court granted the People's motion to transfer A.W.'s case to adult court. The juvenile court explained its reasoning at length.

First, the trial court found that A.W. was very smart, as shown by his progress in school. However, “you can be more than one thing at the same time,” because A.W. also premeditated and planned Gilchrist’s murder, committing it in an extremely calm manner. There was no evidence A.W. was subject to peer pressure. The court therefore found that the People met their burden of showing criminal sophistication.

The court acknowledged A.W.’s troubled childhood, but also observed that he maintained a relationship with his mother, was never removed from the home, and had a bond with his grandmother. While A.W. had been diagnosed with depression and lack of attachment four years ago, he has no other diagnosis.

Addressing rehabilitation, the juvenile court noted that the time remaining for A.W. was about four years if he remained in juvenile court. The court reviewed A.W.’s criminal history and attitude toward the system, finding it “astounding” that he thought he could control the flow of information to the court (referring to the incident with Landin). The court observed that A.W. had been detained for about five years, yet “we’re still dealing with many of the same behaviors [he] exhibited early on.” However, the court noted that the People had a “high burden” to show that A.W. “cannot be rehabilitated before the expiration of the juvenile court, and while I mentioned the factors that I have, I find that the People have not met their burden as to that particular factor.”

Moving to A.W.’s prior delinquent history, the juvenile court found that the record was replete with his offenses, which included two murders and a robbery spree after murdering Gilchrist. His offenses were escalating and violent. The juvenile

court therefore found that he was not amenable to rehabilitation under that factor.

Further, rehabilitative efforts thus far had been unsuccessful. A.W. failed to cooperate, refused to provide a urine sample, continued to engage in gang behavior, sold marijuana, engaged in armed robberies, and tried to intimidate his probation officer and mother to do what he wanted.

The juvenile court next found that the circumstances and gravity of the offense weighed in favor of granting the transfer motion. In addition to the premeditated nature of Gilchrist's murder, the juvenile court found the circumstances of Osifeo's murder "really chilling." Video surveillance of that crime showed A.W. and Osifeo smoking and talking in a friendly manner, with Osifeo looking "completely comfortable with" A.W., who pulled out a gun and shot Osifeo pointblank.

In closing, the juvenile court referred to A.W.'s "uncanny ability to participate in services" and to pursue an education. The juvenile court thus found him to be smart, but also cunning and manipulative. While "you can do more than one thing at one time," that "does not make the court believe that the People have not met their burden." Accordingly, the juvenile court found that the People met their burden and granted the motion.

This appeal followed. Court-appointed appellate counsel filed an opening brief that raised no issues and asked this court to independently review the record under *People v. Wende, supra*, 25 Cal.3d 436. We directed appellant's counsel to send A.W. the record and a copy of the opening brief, and we advised that within 30 days of the date of the notice, A.W. could submit a supplemental brief or letter stating any grounds for an appeal, or

contentions, or arguments he wished this court to consider. A.W. did not submit a supplemental brief.

DISCUSSION

In 2016, California voters approved Proposition 57, the Public Safety and Rehabilitation Act of 2016 (Proposition 57). (See generally *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299, 303–304.) Proposition 57 eliminated the People’s ability to directly file criminal cases against juvenile offenders in adult court. Instead, the People must commence such actions in juvenile court. And if the People wish to try a juvenile as an adult, the People may move to transfer the juvenile to a court of criminal jurisdiction, and the juvenile court must then conduct a “transfer hearing” to determine whether the case should remain in juvenile court or be transferred to adult criminal court. (§ 707, subd. (a).)

The juvenile court must determine whether, by clear and convincing evidence, the minor is not amenable to rehabilitation while in juvenile court jurisdiction. (§ 707, subd. (a).) To make that determination, the juvenile court shall consider the following criteria:

“(A)(i) The degree of criminal sophistication exhibited by the minor.

“(ii) When evaluating the criterion specified in clause (i), the juvenile court shall give weight to any relevant factor, including, but not limited to, the minor’s age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor’s impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor’s actions; the effect of the minor’s family and community

environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication.

“(B)(i) Whether the minor can be rehabilitated prior to the expiration of the juvenile court’s jurisdiction.

“(ii) When evaluating the criterion specified in clause (i), the juvenile court shall give weight to any relevant factor, including, but not limited to, the minor’s potential to grow and mature.

“(C)(i) The minor’s previous delinquent history.

“(ii) When evaluating the criterion specified in clause (i), the juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor’s previous delinquent history and the effect of the minor’s family and community environment and childhood trauma on the minor’s previous delinquent behavior.

“(D)(i) Success of previous attempts by the juvenile court to rehabilitate the minor.

“(ii) When evaluating the criterion specified in clause (i), the juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor’s needs.

“(E)(i) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.

“(ii) When evaluating the criterion specified in clause (i), the juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person’s degree of involvement

in the crime, the level of harm actually caused by the person, and the person's mental and emotional development.

"(iii) When evaluating the criterion specified in clause (i), the court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor." (§ 707, subd. (a)(3)(A)(i)–(iii).)

"We review the juvenile court's ruling on a transfer motion for abuse of discretion. [Citation.] 'The abuse of discretion standard is not a unified standard; the deference it calls for varies according to the aspect of a trial court's ruling under review. The trial court's findings of fact are reviewed for substantial evidence, its conclusions of law are reviewed *de novo*, and its application of the law to the facts is reversible only if arbitrary and capricious.' [Citation.] The juvenile court's findings with respect to each of section 707's five criteria are findings of fact reviewed for substantial evidence. [Citation.] In conducting a substantial evidence review, we draw all reasonable inferences in support of the court's findings." (*In re Miguel R.* (2024) 100 Cal.App.5th 152, 165.)

"Likewise, we review for substantial evidence the juvenile court's ultimate finding 'that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.' [Citation.] Because the juvenile court must make that finding by clear and convincing evidence, we 'determine whether the record, viewed as a whole, contains substantial evidence from which a reasonable trier of fact could have made the finding of high probability demanded by' the clear and convincing evidence standard." (*In re Miguel R.*, *supra*, 100 Cal.App.5th at p. 165.)

“ ‘The standard of proof known as clear and convincing evidence demands a degree of certainty greater than that involved with the preponderance standard, but less than what is required by the standard of proof beyond a reasonable doubt.’ [Citations.] ‘ “Clear and convincing” evidence requires a finding of high probability.’ [Citations.] Courts have also described the standard ‘as requiring that the evidence be “so clear as to leave no substantial doubt”; ‘sufficiently strong to command the unhesitating assent of every reasonable mind.’ ” ’’’ (*In re S.S.* (2023) 89 Cal.App.5th 1277, 1286.)

Under this standard of review, there is substantial evidence that A.W. exhibited a high degree of criminal sophistication. (§ 707, subd. (a)(3)(A)(i); see e.g., *In re J.S.* (2024) 105 Cal.App.5th 205, 214 [transfer order to adult court affirmed where juvenile’s crimes progressed from robbery to robbery with knife to murder; juvenile deliberated crimes; there was no evidence of intellectual deficit; and juvenile completed high school and college course while in custody].) A.W. lay in wait for Gilchrist, lured him out of his apartment, and acted with an accomplice. Also, while committed to the DJJ, A.W. sold large amounts of marijuana using an app, which also supports a finding of criminal sophistication.

Next, the evidence is mixed as to whether A.W. can be rehabilitated before the juvenile court’s jurisdiction expired. (§ 707, subd. (a)(3)(B)(i).) He completed programs, finished high school, and took college courses. However, he continued to engage in gang activity, abused substances, had physical altercations, and attempted to manipulate his probation officer, mother, and peers.

A.W.'s previous delinquent history is extensive, beginning at the age of 14 and including six sustained juvenile petitions. (§ 707, subd. (a)(3)(C)(i).)

There is substantial evidence that prior attempts to rehabilitate A.W. have been unsuccessful, as he continues to engage in gang activity and drug sales and manipulates those trying to help him. (§ 707, subd. (a)(3)(D)(i).) And he murdered Gilchrist *after* spending months at camp.

Finally, substantial evidence shows that the circumstances surrounding the murder A.W. committed are grave. (§ 707, subd. (a)(3)(E)(i).) A.W. participated in a scheme to lure Gilchrist out of his apartment, surveilled Gilchrist in advance, worked with accomplices, and personally shot at Gilchrist.

We have examined the record and are satisfied no arguable issues exist and A.W.'s attorney has complied with the responsibilities of counsel. (*People v. Kelly* (2006) 40 Cal.4th 106, 125–126; *People v. Wende*, *supra*, 25 Cal.3d at pp. 441–442.)

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICAL REPORTS

EDMON, P. J.

We concur:

EGERTON, J.

HANASONO, J.