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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

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

THE PEOPLE,

Plaintiff and Respondent,

v.

J.F.,

Defendant and Appellant.

A129709

(San Francisco City & County
Super. Ct. No. JW09-6227)

Minor J.F. appeals from the juvenile court's September 2, 2010 dispositional order committing him to the Log Cabin Ranch School. Appellant's counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, to determine whether it contains any arguable issues. Counsel has notified appellant he can file a supplemental brief with the court. No supplemental brief has been received from appellant. Upon independent review of the record, we conclude no arguable issues are presented for review and affirm the judgment.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

San Francisco police officers observed appellant on April 13, 2009, loitering with a group of Oakdale Mob gang members in the Bayview District. A subsequent pat search of appellant revealed a 380 automatic caliber gun and six live rounds inside his shorts pockets. On May 4, 2009, appellant admitted one felony count of carrying a concealed firearm. After the juvenile court declared wardship over appellant, he was placed under

the supervision of the probation department and ordered to reside in the home of his mother. In addition to the standard terms and conditions of probation, the court imposed “special conditions of probation for gang members and associates.” The gang-related conditions prohibited appellant from travelling to specified locations including the 1100 block of Oakdale Avenue and from associating with the Oakdale Mob gang either directly or indirectly, nor was he to associate with specified gang members including T.J., K.D., and M.N.

Between December 2009 and July 2010, the probation department filed two motions to revoke appellant’s probation (Welf. & Inst. Code, § 777, subd. (a)) alleging appellant still associated with known gang members, remained consistently truant from school, failed to reduce his THC levels, tested positive for marijuana, and failed a drug counseling program. Following a positive progress report, the district attorney withdrew the December 9, 2009 probation violation notice. On July 13, 2010, appellant admitted violating probation by testing positive for marijuana. The court placed appellant back on home detention, but warned, “[I]f there are any violations, even the slightest violation here, you’re going to be returned to custody and it is very likely you’re going to be removed from your parents’ home.” In addition, the court stated, “[Y]ou need to be with one of your parents if you are in San Francisco. I think that is the cleanest way to do this; otherwise, you shouldn’t be in San Francisco.” Appellant was again directed to stay away from the Oakdale area.

Appellant, however, failed to heed the court’s warnings and directives, and as a result, the probation department filed another motion to revoke appellant’s probation on August 6, 2010, alleging he violated the gang-related conditions by associating with a known gang member in the Oakdale neighborhood.

On August 18, 2010, the probation department filed a dispositional report pertaining to appellant’s admission of violating probation by testing positive for marijuana, recommending placement at the Log Cabin Ranch School.

Later in August, the juvenile court held a contested probation revocation hearing. Officers Leonard Broberg and Ernest Logoleo of the San Francisco Police Department

testified that on July 30, 2010, they observed appellant throwing a football in the street with other youths in the 1100 block of Oakdale Avenue. He did not appear to be accompanied by an adult. While Broberg was questioning a group that included T.J. and M.N., two of the individuals identified in the gang-related stay-away order, appellant walked over to the location and interacted with M.N., standing within 6 to 10 feet of M.N. and T.J. Broberg also testified about another incident occurring on August 4, 2010, in which he observed appellant outside a funeral home at K.D.'s funeral. Appellant was with a group of people including M.N. and other members of the Oakdale Mob. Later that same day, Broberg again observed appellant in the company of two Oakdale Mob associates, K.P. and D.M., on the 1100 block of Oakdale Avenue.

During the hearing, appellant admitted he had been at all three locations and further acknowledged he violated his probation on July 30, 2010, by being outside his grandmother's home throwing a football around on the 1100 block of Oakdale Avenue. He did not recall seeing M.N. at K.D.'s funeral, but did walk across the street at the same time as M.N., although without speaking to him. Appellant believed since his stepfather was attending the funeral, he too was allowed to attend. Appellant's mother and stepfather shared appellant's belief he could be present at the funeral without violating his probation conditions.

At the conclusion of the hearing the court found appellant in violation of the terms and conditions of his probation, and set the matter for a dispositional hearing.

Several witnesses testified on behalf of appellant at the dispositional hearing including a marriage and family therapist, and a social worker and youth advocate, both recommending in-home placement and continued attendance at appellant's current school, Life Learning Academy. In contrast, appellant's juvenile probation officer, after to listening to the testimony of these witnesses, stood by his recommendation of out-of-home-placement at the Log Cabin Ranch School.

At the conclusion of the dispositional hearing, the court followed the probation officer's recommendation and ordered appellant committed to the Log Cabin Ranch School.

DISCUSSION

Appellant was represented by counsel throughout the proceedings. We find no indication in the record counsel provided ineffective assistance.

Substantial evidence supports the juvenile court's finding that appellant violated the gang-related terms and conditions of his probation.

There was also no dispositional error. The court had allowed appellant to remain at home, but apparently without success, since appellant persisted, despite the clearly worded stay-away orders, in associating with the Oakdale Mob and in visiting the Oakdale area.

The court has reviewed the entire record and finds no arguable issues requiring further briefing.

Accordingly, the judgment is affirmed.

Margulies, J.

We concur:

Marchiano, P.J.

Dondero, J.