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

In re P.M., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

P.M.,

Defendant and Appellant.

A129837

(Solano County  
Super. Ct. No. J040131)

This is an appeal from the dispositional order entered after the juvenile court found P.M. (minor) committed a felony violation of Penal Code section 496d, subdivision (a), receiving stolen property (to wit, a motor vehicle). Pursuant to this order, the juvenile court placed minor on probation in the custody of her parents or legal guardian, subject to various terms and conditions.

After minor filed a timely notice of appeal, appellate counsel was appointed to represent her. Appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*People v. Wende*), in which she raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106, 124 (*People v. Kelly*).) Counsel attests that minor was advised of her right to file a supplemental brief in a timely manner, but she has not exercised such right.

We have examined the entire record in accordance with *People v. Wende*. For reasons set forth below, we agree with counsel that no arguable issue exists on appeal. Accordingly, we affirm the juvenile court's dispositional order.

### **FACTUAL AND PROCEDURAL BACKGROUND**

On May 5, 2010, a petition was filed pursuant to Welfare and Institutions Code section 602 alleging that, on April 20, 2010, minor committed two felonies: (1) unlawful driving or taking of a vehicle in violation of Vehicle Code section 10851, subdivision (a) (count one), and (2) receiving stolen property (a vehicle) in violation of Penal Code section 496d, subdivision (a) (count two). Minor denied the charges and a contested hearing was held on June 29, 2010.

At the contested hearing, Officer Kenney, a cadet with the Vallejo Police Department, testified that, at about 10:00 p.m. on April 20, 2010, he observed a black Toyota Camry, license plate 4BWG391, with a single passenger driving erratically.<sup>1</sup> After confirming the vehicle had been reported stolen, Officer Kenney began to follow it. Less than a minute later, Officer Kenney observed minor exit the driver's side of the vehicle, which had come to a stop while still in drive after hitting a pole. Minor walked away from the vehicle, glancing back a few times at Officer Kenney, who was following slowly in his police car. A short while later, Officer Kenney's sergeant arrived and minor was arrested and the vehicle searched.

Officer Kenney testified that he was certain minor was alone in the stolen vehicle just before her arrest, the driver's seat was upright, and minor exited the vehicle from the driver's side. However, minor testified in her defense that another person had been driving the stolen vehicle on the night in question, and that she had merely been a passenger. The driver of the vehicle had been giving minor a ride home from her sister's boyfriend's house, and had been driving with his "seat laid all the way back." Although

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<sup>1</sup> Officer Kenney also noted that the vehicle caught his attention because he was aware from his professional experience that Toyota Camrys are commonly stolen.

she had seen the driver a few times since her arrest, she had not spoken to him. She had never driven a vehicle without her father present.

Following the contested hearing, the juvenile court dismissed count one, unlawful driving or taking of a vehicle, for insufficient evidence. The juvenile court then sustained count two, receiving stolen property in violation of Penal Code section 496d, subdivision (a).

A dispositional hearing was then held on August 10, 2010, at which the juvenile court adjudged minor to be a ward of the court and placed her on probation in the custody of her parents or legal guardian and under the supervision of the probation department. The probation order was subject to various terms and conditions, including minor's participation in counseling, performance of volunteer work, adherence to a nightly curfew and subjection to a warrantless search and seizure condition. The maximum term of minor's confinement was set for three years, and she was ordered to pay actual restitution to the victim and a \$100 restitution fine. This appeal followed.

## **DISCUSSION**

Neither appointed counsel nor minor has identified any issue for our review. Upon our own independent review of the record, we agree none exists. (*People v. Wende, supra*, 25 Cal.3d 436.) The juvenile court found that minor violated Penal Code section 496d, subdivision (a), receiving stolen property, based upon evidence that included Officer Kenney's testimony that he personally observed minor driving the stolen vehicle, hitting a pole, exiting the vehicle from the driver's side, and then walking away from the scene while glancing a few times in his direction. Officer Kenney was sure that no one other than minor was in the vehicle. In her own defense, minor testified that, in fact, someone else had been driving the vehicle with the driver's seat in a reclined position. At all relevant times during these proceedings, minor was represented by competent counsel. Ultimately, however, the juvenile court did not accept minor's defense, which was a matter committed to its sound discretion. (*In re Robert H.* (2002) 96 Cal.App.4th 1317, 1329-1330 [“ ‘We must indulge all reasonable inferences to support the decision of the juvenile court and will not disturb its findings when there is

substantial evidence to support them’ ”].) Under these circumstances, we believe the juvenile court’s finding and subsequent order adjudging minor a ward of the court and placing her on probation are valid. (*Ibid.*; see also Pen. Code, § 496d, subd. (a); *In re Aline D.* (1975) 14 Cal.3d 557, 563.)

Thus, having ensured minor has received adequate and effective appellate review, we affirm the juvenile court’s dispositional order. (*People v. Kelly, supra*, 40 Cal.4th at pp. 112-113; *People v. Wende, supra*, 25 Cal.3d 436.)

### **DISPOSITION**

The dispositional order of August 10, 2010, is affirmed.

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Jenkins, J.

We concur:

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Pollak, Acting P. J.

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Siggins, J.

*In re P.M.*, A129837