Filed 2/23/09 In re James T. CA2/3

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

SECOND APPELLATE DISTRICT

DIVISION THREE

In re JAMES T., a Person Coming Under the Juvenile Court Law.	B207592 (Los Angeles County Super. Ct. No. TJ15578)
THE PEOPLE, Plaintiff and Respondent, v. JAMES T., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County, Catherine J. Pratt, Commissioner. Affirmed.

Esther Sorkin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

James T. appeals the order continuing wardship (Welf. & Inst. Code, § 777) entered following the juvenile court's finding he had violated the terms of his probation. James T. was placed in camp with a maximum term of confinement of seven years and four months. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Following the April 6, 2006 finding that James T. committed robbery (Pen. Code, § 211), he was made a ward of the court pursuant to Welfare and Institutions Code section 602. He was placed on probation with certain conditions.

At a hearing held on April 21, 2008, James T.'s mother, Shirley M., testified that on March 2, 2008, she had written a letter asking that James T. be detained, or "placed on house arrest." Shirley M. stated that 15-year-old James T. was "out of control." He was failing to go to his first period classes and had been driving someone else's car.

Deputy Probation Officer Christopher Hart testified he was James T.'s probation officer and familiar with James T.'s case. Hart stated that James T. had violated several of the court's rules governing his probation. Hart had gone to James T.'s school and spoken to a faculty member there. The faculty member indicated James T. "wasn't doing too well." The faculty member showed Hart nine "reports" and indicated that James T. was no longer attending school there. One of the teachers at the school had reported that an IPOD was missing. When Hart asked James T. about the IPOD, James T. stated that he hadn't taken it, but knew who had and would speak to that person about returning it. Hart was also aware of a report from the school indicating other incidents in which James T. had been involved. On one occasion, James T. "wasn't in compliance [with a] teacher's authority." On another occasion, James T. used profanity and " 'disrespect[ed] faculty' " by saying to the teacher, " 'You "come a bitch.["] ' " On March 3, 2008, James T. was found at school with a "lighter." Another probation violation occurred on March 4, 2008 when James T. " 'left [his] assigned seat without permission' " and was " 'out of class without permission.' " On yet another occasion, James T. "defie[d] authority" and "[ran] his own program." A report from the school indicated that James T. " 'disrespects faculty,' " " 'disrupts [the] classroom,' " performs " 'no work,' " and has

" 'poor work habits.' " During one incident, James T. was "throwing [an] object around [the] class[room] and hit [a] substitute teacher with [a] bottle full of water." Finally, James T. was "kicked out" of school. He apparently has not attempted to re-enroll.

In addition to the incidents at school, James T. had failed to report to Hart on at least three occasions: March 12, March 20 and March 25, 2008. Although James T. had been ordered to see a counselor, as of the date of the hearing Hart had not received "any proof of enrollment in counseling."

On three occasions when James T. did appear, he tested positive for marijuana. The first time was on January 30, 2008, the second was on February 11, 2008 and the third was on February 27, 2008.

The juvenile court concluded "by a preponderance of the evidence that James [T.] was in violation of the terms of his probation." The court stated that counts one (testing positive for marijuana use), two (failing to attend school), three (failing to report to the probation officer), four (failing to enroll in counseling) and five (misconduct at school) of the Welfare and Institutions Code section 777 petition dated March 28, 2008 had been proven and that each of those counts would be sustained.

As to the disposition, on April 22, 2008, the juvenile court imposed long term camp placement with a maximum term of confinement of seven years, four months. James T. was given predisposition credit for 446 days served. On April 22, 2008, he filed a timely notice of appeal.

CONTENTIONS

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record. By notice filed October 7, 2008, the clerk of this court advised James T. to submit within 30 days any contention, ground of appeal or argument he wished this court to consider. No response has been received to date.

REVIEW ON APPEAL

We have examined the entire record and are satisfied James T.'s counsel has complied fully with counsel's responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

DISPOSITION

The order continuing wardship is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

ALDRICH, J.

We concur:

KLEIN, P. J.

CROSKEY, J.