Filed 8/17/10 In re Daniel C. CA4/1

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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

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| In re DANIEL C., a Person Coming Under the Juvenile Court Law. | |
| THE PEOPLE,<br><br>Plaintiff and Respondent,<br><br>v.<br><br>DANIEL C.,<br><br>Defendant and Appellant. | D056396<br><br>(Super. Ct. No. J224065) |

APPEAL from a judgment of the Superior Court of San Diego County, George W. Clarke, Judge. Affirmed.

The juvenile court granted 16-year-old Daniel C. deferred entry of judgment (Welf. & Inst. Code, § 790 et seq.) on allegations of second degree burglary, grand theft and receiving stolen property. The court placed Daniel on probation for a period of not less than 12 months or greater than 36 months. Probation conditions included, among

other things, Daniel perform 50 hours of community service and complete an anti-theft class.

## FACTS

On August 29, 2009, Daniel and another youth stole about 20 pairs of designer jeans from the Saks Fifth Avenue outlet store on Camino Del La Reina in San Diego.

The store's loss prevention officer followed the pair into the parking lot, where she saw them drive off in a pickup truck. The officer attempted to record the license plate of the truck. Although the officer wrote down an extra letter, police were able to track down the truck and determine that Daniel's father was the registered owner. Police also learned that Daniel's father was on probation and had a Fourth Amendment waiver. Police officers conducted a search of the family's residence based on the father's Fourth Amendment waiver, and, during a protective sweep of the residence, found some of the stolen jeans in Daniel's bedroom closet.

## DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable, issues: (1) whether a minor who is granted deferred entry of judgment can appeal the juvenile court's denial of his motion to suppress and whether the issue can be raised by extraordinary writ; (2) whether the police officer violated Daniel's Fourth Amendment rights when they used his father's probation search condition as a pretext to search the

residence for evidence against Daniel; (3) whether a minor who is granted deferred entry of judgment can appeal on the ground he was required to admit a lesser included offense; and (4) whether Daniel was properly advised of his rights before admitting the allegations.

We granted Daniel permission to file a brief on his own behalf. He has not responded.

A review of the entire record pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California*, *supra*, 386 U.S. 738, has disclosed no other reasonably arguable appellate issue. Competent counsel has represented Daniel on this appeal.

DISPOSITION

The judgment is affirmed.

NARES, J.

WE CONCUR:

HUFFMAN, Acting P. J.

HALLER, J.