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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re MICHAEL F., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. MICHAEL F., Defendant and Appellant.	A107546 (Del Norte County Super. Ct. No. 03-6468)

The minor Michael F. appeals from an order declaring that he be continued as a ward of the juvenile court and committing him to the Mathiot Group Home for counseling. (Welf. & Inst. Code, §§ 602, 726, 727.3, subd. (b).) His counsel asked this court to independently review the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) After review of the record, we find no error and find sufficient evidence to sustain the juvenile court's findings and affirm its orders.

A supplemental petition[1] alleged that the minor engaged in the continuous sexual abuse of his brother, a child under the age of 14 (Pen. Code, § 288.5),[2] or alternatively, committed seven instances of lewd acts on a child under the age of 14 (§ 288, subd. (b)). The minor denied the allegations.

The minor's brief adequately summarizes the facts adduced at the contested jurisdictional hearing for purposes of this appeal. In short, the minor forced the victim William F. to engage in oral and anal sex on a regular basis. William guessed that each of these acts occurred more than 50 times and gave graphic descriptions of these events. The victim did not tell his parents of the abuse because he believed that he would be punished. William told an adult friend about the abuse. Law enforcement was notified. A nurse who was trained in conducting sexual assault examinations on minors examined William. An ultraviolet lamp showed a substance that may have been seminal fluid on William's foot, ear, and rectum.[3] The nurse also observed abrasions and tears to William's anal area that were consistent with sexual abuse.

The juvenile court sustained the petition based on the allegation of continuous sexual abuse, a crime ordinarily punished by a prison term of 6, 12, or 16 years.[4] (§ 288.5, subd. (a).) Based on psychological evaluations of the minor showing a risk of victimizing other children, the probation department recommended a term of 16 years of commitment to the California Youth Authority for the current offense, plus six months

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[1] The minor previously admitted allegations of misdemeanor battery (Pen. § 242) against his younger brother and vandalism with damages under $50 in value (Pen. § 594, subd. (b)) of his mother's property, arising on two separate occasions. For those offenses, the minor was declared a ward of the court and committed to a county institution for two days, which he had already served, and fined $50. The minor subsequently violated his probation by testing positive for marijuana use and was committed to a county institution for another two days.

[2] All section references are to the Penal Code unless otherwise specified.

[3] Some substances cause false positive results under ultraviolet examination, such as some fabric softeners and cotton or carpet fibers.

[4] The court made no findings as to the remaining alternative counts.

remaining unserved from prior offenses. (See Welf. & Inst. Code, § 726, subds. (a), (c).) The court committed the minor to the Mathiot Group Home to complete its counseling program and reserved jurisdiction to make other placement orders or probation terms as the need arises.

The minor was represented by counsel throughout the proceedings and received a fair hearing. Substantial evidence supports the juvenile court's finding sustaining the allegation that the minor committed a violation of section 288.5. No error appears in the disposition. There are no meritorious issues to be argued on appeal. The orders are affirmed.

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Sepulveda, J.

We concur:

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Kay, P.J.

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Rivera, J.