

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION SIX

People v. N.S.

N.S. · No. B342991 · Decided May 26, 2026

SUMMARY

The California Court of Appeal held that a juvenile court lacked authority to commit N.S. to a Secure Youth Treatment Facility because the most recent offense for which N.S. was adjudicated was not an offense listed in Welfare and Institutions Code section 707, subdivision (b). The court reversed the commitment order and remanded for a new dispositional hearing. The opinion was certified for publication, and the concurrence urged the Legislature to reconsider the most-recent-offense rule.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Six
WRITING FOR THE COURT	Yegan, Acting P. J.; Baltodano, J.; Cody, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Six
DECIDED	May 26, 2026
DOCKET	B342991
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	N.S. appealed a juvenile court order committing him to a Secure Youth Treatment Facility under Welfare and Institutions Code section 875.
PRECEDENTIAL VALUE	Published and certified for publication; precedential under California law.
PARTIES	N.S. v. The People

TOPICS

- statutory interpretation
- legislative intent
- appellate procedure
- criminal procedure

PRACTICE AREAS

- juvenile law
- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Welfare and Institutions Code section 875 authorizes a Secure Youth Treatment Facility commitment when the qualifying section 707, subdivision (b) offense is not the juvenile's most recent offense chronologically.
2. Whether the juvenile court's Secure Youth Treatment Facility commitment order must be reversed and the matter remanded for a new dispositional hearing.

HOLDINGS

1. For purposes of section 875, the juvenile's most recent offense is determined by when the offense was committed, not by when the petition was adjudicated.
2. The juvenile court lacked authority to commit N.S. to a Secure Youth Treatment Facility because the most recent offense, sexual battery by restraint, was not an offense listed in Welfare and Institutions Code section 707, subdivision (b).

KEY QUOTATIONS

“The phrase “ ‘most recent’ ” describes when the minor committed the offense, not when the petition is adjudicated.” (3)

“Although assault by means of force likely to produce great bodily injury is an offense listed in section 707, subdivision (b), the juvenile court was not authorized to commit appellant to a SYTF because his “most recent offense,” sexual battery by restraint, is not an offense listed in section 707, subdivision (b).” (3-4)

“I continue to believe that the result is absurd and results in a miscarriage of justice. We are supposed to guard against a miscarriage of justice, not help to create one.” (5)

FACTUAL BACKGROUND

N.S., age 15 when the wardship petitions were filed, admitted sexual battery by restraint committed on December 17, 2023, a lewd or lascivious act upon a child committed on March 3, 2023, and assault by means of force likely to produce great bodily injury committed on June 9, 2023. The assault was the only admitted offense qualifying under Welfare and Institutions Code section 707, subdivision (b), but it was not the most recent offense chronologically. The juvenile court nevertheless committed N.S. to a Secure Youth Treatment Facility based on the assault adjudication.

PROCEDURAL HISTORY

N.S. admitted three offenses from three separate juvenile wardship petitions at the same hearing. The juvenile court ordered probation and time served on two petitions, then committed N.S. to a Secure Youth Treatment Facility based on an assault offense adjudicated under the third petition. The Court of Appeal reversed the commitment order and remanded for a new dispositional hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The juvenile court must conduct a new dispositional hearing.

CASES CITED

- In re D.B. (2014) 58 Cal.4th 941, 947
- In re B.J. (2020) 49 Cal.App.5th 646, 648
- Moran v. Murtaugh Miller Meyer & Nelson, LLP (2007) 40 Cal.4th 780, 785

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