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CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re N.S., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. N.S., Defendant and Appellant.	G065591 (Super. Ct. No. 25DL0203) O P I N I O N

Appeal from an order of the Superior Court of Orange County, Joseph Kang, Judge. Affirmed.

Alexander Amar Kannan, under appointment by the Court of Appeal, for Defendant and Appellant.

Rob Bonta, Attorney General, Charles C. Ragland, Chief Assistant Attorney General, Arlene A. Sevidal, Assistant Attorney General, Robin Urbanski and Monique Myers, Deputy Attorneys General, for Plaintiff and Appellant.

* * *

This Welfare and Institutions Code section 602 case arises from a police officer's search of N.S. for weapons at his middle school. The juvenile court found that N.S. had violated Penal Code section 148, subdivision (a)(1), by willfully resisting, delaying, or obstructing the weapons search.[1] N.S. challenges this finding on two grounds. First, he claims there was insufficient evidence to support the court's finding that he unlawfully resisted, delayed, or obstructed the search. Second, he argues he did not violate the statute because the police officer's search was unlawful. We find no error and affirm the court's order.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

In February 2025, N.S. walked by a school liaison officer (the liaison officer) at his public middle school during school hours. The liaison officer was a Fullerton Police Officer assigned to patrol the school, wearing a full police uniform with a badge and gun. N.S. looked at the liaison officer's gun on her hip, then remarked, "'I have a Glock, too.'"[2] At trial, the liaison officer testified that N.S.'s statement was significant "because he's a minor, he's at school, and he told me that he has a weapon on campus." She further testified that given N.S.'s statement, she had a duty to search him to make sure he was not armed and was not a threat to the other students.

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[1] All undesignated statutory references are to the Penal Code.

[2] Glock is an Austrian gun manufacturer. It "has become one of the largest producers of handguns for the United States market. Glock pistols have also become popular for police and military use in the United States and around the world." (Klein, *In the Hands of the Maker: The Failure of Consumer Product Safety Oversight of Guns* (2021) 33 Loy. Consumer L. Rev. 58, 75.)

The liaison officer immediately instructed a school staff member to send N.S. to the principal's office. After N.S. arrived, the liaison officer said she needed to search him due to his comment about the Glock. N.S. reportedly responded, "'no, f*ck you. You're not searching me.'" He then reportedly said "'f*ck you' again," and walked out of the principal's office towards the parking lot. The liaison officer followed N.S. to the parking lot. She ordered him to return, but he did not comply with her initial command, prompting her to ask, "[y]ou want me to tackle you right now, dude?" N.S. replied, "I'll slap the shit out of you."

N.S. walked about 40 feet across the parking lot toward an area with a bench. The liaison officer followed him. At the bench, N.S. both denied making the comment and insisted it was a joke. The liaison officer explained that a comment of that nature made on school grounds warranted an investigation. N.S. eventually told the liaison officer, "I'm not letting you search me. [¶] . . . [¶] Because . . . you have no probable cause."

After this exchange, the liaison officer again ordered N.S. to return inside to the principal's office to be searched, but N.S. refused, stating, "No, I'm not going back inside." N.S. then told the liaison officer, "[I]t's the law for you guys to [have] probable cause, but you don't have fucking probable cause." The liaison officer ordered N.S. to return inside five times, and each time, he verbally refused to comply.

N.S. remained by the bench and refused to return to the principal's office to be searched for around 10 minutes. After the liaison officer's partner arrived, N.S. agreed to return to the principal's office where he and his belongings were searched. N.S. was then arrested and booked into juvenile hall.

The Orange County District Attorney filed a petition under Welfare and Institutions Code section 602, charging N.S. with resisting, delaying, or obstructing a peace officer in violation of section 148, subdivision (a)(1). Following a jurisdiction hearing, the juvenile court issued an order (the order) finding the allegation against N.S. as to section 148, subdivision (a)(1), to be true beyond a reasonable doubt. At the disposition hearing, the court declared N.S. to be a nonward for a period not to exceed six months and ordered him to complete various probation terms and conditions. (Welf. & Inst. Code, § 725, subd. (a).)

On appeal, N.S. challenges the portion of the order finding that he violated section 148, subdivision (a)(1).

DISCUSSION

I.

APPLICABLE LAW

"'The legal elements of a violation of section 148, subdivision (a) are as follows: (1) the defendant willfully resisted, delayed, or obstructed a peace officer, (2) when the officer was engaged in the performance of his or her duties, and (3) the defendant knew or reasonably should have known that the other person was a peace officer engaged in the performance of his or her duties. [Citation.]' [Citation.] The offense is a general intent crime, proscribing only the particular act (resist, delay, obstruct) without reference to an intent to do a further act or achieve a future consequence." (*In re Muhammed C.* (2002) 95 Cal.App.4th 1325, 1329.)

N.S. argues that the first and second elements were not met here. As to the former, he argues there was insufficient evidence that he willfully resisted, delayed, or obstructed the liaison officer. As for the latter, he

contends that at the time of the alleged violation, the liaison officer was not engaged in the performance of her duties because her search was unlawful.

II.

WILLFUL RESISTANCE, DELAY, OR OBSTRUCTION

A. Standard of Review

Appellate review in this juvenile case "is governed by the same principles applicable to adult criminal appeals." (*In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1328.) "We review claims of insufficient evidence under the substantial evidence standard." (*In re J.C.* (2014) 228 Cal.App.4th 1394, 1399.) Under this standard, "'[t]he power of an appellate court begins and ends with the determination as to whether, on the entire record, there is substantial evidence, contradicted or uncontradicted, which will support the determination, and when two or more inferences can reasonably be deduced from the facts, a reviewing court is without power to substitute its deductions for those of the [juvenile] court. If such substantial evidence be found, it is of no consequence that the [juvenile] court believing other evidence, or drawing other reasonable inferences, might have reached a contrary conclusion.'" (*People v. Ortiz* (2012) 208 Cal.App.4th 1354, 1363, italics omitted.)

B. Analysis

1. *Substantial evidence*

The record contains substantial evidence to support the juvenile court's finding that N.S. willfully resisted, delayed, or obstructed the liaison officer's search.

Section 148, subdivision (a)(1) most often applies to the physical acts of a defendant. Common violations include flight, physical resistance, running, hiding, and other forcible interference with an officer's activities. (*In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1329.) "But section 148 'is not

limited to nonverbal conduct involving flight or forcible interference with an officer's activities. No decision has interpreted the statute to apply only to physical acts, and the statutory language does not suggest such a limitation.'" (*Id*. at pp. 1329–1330.)

In *In re Muhammed*, the minor spoke to an arrestee through a lowered rear window of a patrol car while three police officers were processing the arrestee's vehicle, which was across the street from the patrol car. (*In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1328.) The three officers ordered the minor to step away from the patrol car for a total of five times. (*Id*. at p. 1330.) At one point, the minor gestured defiantly towards the officers, acknowledging their orders, but continuing to converse with the arrestee. (*Id.* at pp. 1328, 1330.) The minor only complied with the fifth order to step away from the patrol car after one of the officers started walking across the street from the arrestee's car towards him. (*Id* at p. 1328.) The minor was arrested and found to have violated section 148, subdivision (a), the predecessor to section 148, subdivision (a)(1). (*In re Muhammed C.*, at pp. 1327–1328.)

The court in *In re Muhammed* held there was substantial evidence that the minor violated section 148, subdivision (a). (*In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1327.) It concluded that the lower court could reasonably infer that the minor "willfully delayed the officers' performance of duties by refusing the officers' repeated requests that he step away from the patrol car: three officers ordered [the minor] five times to step away before [he] complied; they had interrupted processing [the arrestee's] car to attend to [the minor]; and [one officer] specifically affirmed that the elapsed time had delayed the [arrestee's] investigation." (*Id*. at p. 1330.)

The court also rejected the minor's argument "that he should not be criminally culpable for doing no more than temporarily distracting the officers from the performance of duties." (*In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1330.) It explained that this argument was "simply an interpretation of evidence. The trial court was entitled to conclude that [the minor's] defiant behavior constituted more than a temporary distraction. That [the minor] did not pose a safety threat or a threatened interference with the officers' investigation . . . is simply circumstantial evidence from which [the minor] could argue that he did not delay the officers." (*Ibid*.)

N.S.'s conduct in this case is analogous to the minor in *In re Muhammed C.* Like *In re Muhammed C.*, where the minor ignored the officers' five repeated commands before complying and acknowledged the officer's orders with his hand gesture yet defied them, N.S. likewise willfully delayed the liaison officer's search. (See *Muhammed C., supra,* 95 Cal.App.4th at p. 1328.) N.S. refused the liaison officer's five repeated commands to return to the office to be searched until her partner arrived, delaying the liaison officer from investigating whether there was a gun on school grounds for 10 minutes. N.S. was aware that the liaison officer desired to search him for a weapon. But he defied her orders by walking away from her across the parking lot, causing her to pursue him, and repeatedly verbally refusing her commands to return to the principal's office to be searched. As in *In re Muhammed*, the juvenile court could reasonably infer that N.S. sufficiently delayed the liaison officer in her duties to conduct a search for a weapon.

2. *Failing to comply with alacrity*

A person does not resist, delay, or obstruct an officer if he or she verbally challenges or fails to comply with "alacrity to police orders." (*People*

v. Quiroga (1993) 16 Cal.App.4th 961, 966 (*Quiroga*).) N.S. asserts that he only initially declined to be searched by the liaison officer but later consented when her partner arrived. According to N.S., being rude and failing to respond with alacrity to police orders are insufficient to support a finding of resistance, delay, or obstruction. N.S. likewise asserts that his speech directed at the liaison officer was protected under the First Amendment and did not violate section 148, subdivision (a)(1). We are not persuaded.

N.S.'s argument that he only failed to respond with alacrity is based on *Quiroga*, which is distinguishable. In *Quiroga*, police officers responded to a report of a noisy party at an apartment. (*Quiroga, supra,* 16 Cal.App.4th at p. 964.) After a woman opened the apartment door, an officer smelled marijuana and entered. The officer ordered the defendant to sit on the couch. (*Ibid.*) The defendant argued with the officer before complying, telling the officer "'to get out of the house, [because they] needed a search warrant to come into the house.'" (*Ibid.*) After the defendant sat down, the officer observed him trying to reach between the couch cushions. The officer directed him to place his hands on his lap. (*Ibid.*) The defendant initially failed to comply but ultimately obeyed. (*Ibid.*) When the officer ordered him to stand, the defendant refused several times before finally standing up when the officer "'pulled on his arm.'" (*Ibid.*) Police searched the couch area where the defendant had been reaching and found a plastic bag with cocaine. The defendant was then arrested. (*Id.* at pp. 964–965.)

The *Quiroga* court held the defendant's conduct before his arrest was insufficient to violate section 148, subdivision (a)(1). (*Quiroga, supra,* 16 Cal.App.4th at p. 966.) The court reasoned that although the defendant complied slowly with the officer's orders, the statute does not criminalize "a person's failure to respond with alacrity to police orders." (*Ibid.*) Further, the

defendant had the right to dispute the officer's actions because verbal criticism and challenge directed at police officers are protected speech under the First Amendment. (*Ibid*.)

Unlike the defendant in *Quiroga*, N.S. did more than just fail to respond with alacrity. In *Quiroga*, though the defendant dilatorily complied with the officer's commands and repeatedly refused to stand, he remained at the scene and did not substantially interfere with the investigation to constitute delay. (*Quiroga, supra,* 16 Cal.App.4th at pp. 964–966.) In contrast, N.S. substantially interfered with and delayed the liaison officer's investigation by leaving the principal's office after the liaison officer said she needed to search him. N.S. then walked across a parking lot as the liaison officer pursued him and repeatedly commanded him to return to the office to be searched. In doing so, N.S. physically removed himself from the location of the investigation and delayed the liaison officer's ability to investigate a potential firearm on school grounds. Based on these facts, the juvenile court could reasonably conclude that N.S. resisted, delayed, or obstructed the liaison officer's investigation.

Nor are we persuaded by N.S.'s argument that the statements he made to the liaison officer were protected by the First Amendment. "[W]hen a person's words go 'beyond verbal criticism, into the realm of interference with [an officer's performance of his or her] duty,' the First Amendment does not preclude criminal punishment." (*In re Chase C.* (2015) 243 Cal.App.4th 107, 117.) A violation of section 148, subdivision (a)(1), occurs when "the defendant engage[s] in conduct beyond merely responding slowly and challenging officers' authority." (*In re Chase C.,* at p. 118.)

Here, N.S. was not found to have violated the statute based on just statements or a slow response. Rather, as set forth above, it was his

conduct of refusing the liaison officer's attempts to search him despite his prior statement that he had "'a Glock, too.'" N.S. refused to be searched and then walked away from the liaison officer and the principal's office, causing the liaison officer to pursue him and delaying the search for 10 minutes. A juvenile court could reasonably conclude that N.S.'s conduct was more than just a slow response and interfered with the liaison officer's investigation. (See *In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1330.)

III.

PERFORMANCE OF DUTIES

The second element of section 148, subdivision (a), requires that "the officer was engaged in the performance of his or her duties." (*In re Muhammed C., supra,* 95 Cal.App.4th at 1329.) Implicit in this element is the requirement that the officer was acting lawfully at the time the alleged offense was committed. (*People v. Williams* (2018) 26 Cal.App.5th 71, 82.) A person cannot be convicted under section 148, subdivision (a)(1), if the relevant officer was acting unlawfully when the alleged violation occurred. (*Williams*, at p. 82.)

N.S. appears to assert that the second element was not met because the liaison officer's search was unlawful. His argument revolves around the applicable legal standard for the search. He claims that his comment, at most, gave the liaison officer reasonable suspicion to conduct a patdown search. He contends the liaison officer's search unlawfully expanded beyond a patdown, which required probable cause. In the alternative, N.S. asserts that there was insufficient evidence to support a finding that the liaison officer had reasonable suspicion to search him.

A. Legal Standard for School Searches

We begin by examining the legal standard governing public school searches. Schools have an obligation to protect students and teachers from violence. (*New Jersey v. T.L.O.* (1985) 469 U.S. 325, 350 (conc. opn. of Powell, J.) (*T.L.O.*).) Thus, under the Fourth Amendment, a "school official" may search a student's person and personal effects based on a reasonable suspicion—requiring articulable facts, together with rational inferences from those facts—that the search will disclose evidence that the student is violating or has violated the law or school rules. (*T.L.O.,* at pp. 341–342; *In re William G.* (1985) 40 Cal.3d 550, 563–564.)

"Reasonable suspicion is a less demanding standard than probable cause not only in the sense that reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause, but also in the sense that reasonable suspicion can arise from information that is less reliable than that required to show probable cause." (*Alabama v. White* (1990) 496 U.S. 325, 330.) "Ultimately, the legality of the search 'depends, simply, on the reasonableness, under all the circumstances, of the search.'" (*In re Cody S.* (2004) 121 Cal.App.4th 86, 91.) In a public school "student's legitimate expectation of privacy must be balanced against the school's obligation to maintain . . . a safe environment for all students and staff." (*T.L.O., supra,* 469 U.S. at p. 440; *In re Cody S.,* at p. 91.)

N.S. argues that the reasonable suspicion standard does not apply here because the liaison officer was a police officer and not a "school official." But for purposes of Fourth Amendment analysis, "school officials" include police officers who are assigned to public schools as school resource or school liaison officers. (*In re William V.* (2003) 111 Cal.App.4th 1464, 1470–

1471; *In re K.J.* (2018) 18 Cal.App.5th 1123, 1129.) Due to the importance of providing students and staff with a safe learning environment, the ability to search a student should not hinge on whether the school district or the city employs the school security officer. (*Id.* at p. 1131.) The consequence of such a rule would "'force school districts to employ private security guards rather than certified police officers, who may have superior training, which would hardly enhance protection of the students' Fourth Amendment rights.'" (*Ibid.*)

Because school liaison officers are school officials for the purposes of conducting school searches, they only need reasonable suspicion before conducting such searches, not probable cause. (*In re K.J.*, *supra*, 18 Cal.App.5th at pp. 1130–1131.) Thus, we reject N.S.'s contention that the reasonable suspicion standard did not apply here because the search was conducted by a police officer.

B. Substantial Evidence of Reasonable Suspicion

N.S.'s also claims that the liaison officer lacked reasonable suspicion to search him. We disagree.

We find instructive *In re Alexander B.* (1990) 220 Cal.App.3d 1572, 1575–1576, in which school officials separated two groups of boys about to engage in a fight. As the boys were being taken to the school office, an unnamed boy said, "'[d]on't pick on us; one of those guys has a gun'" and gestured to a third group of boys who were uninvolved in the fight but had been yelling and making gang signs. (*Id.* at p. 1576.) A school official asked a nearby police officer to "'[c]heck'" the third group of boys because "'[o]ne of them [was] supposed to have a weapon.'" (*Ibid.*) The police officer began searching each of the students in the third group and found that the appellant was carrying a machete knife. (*Ibid.*)

The *In re Alexander B.* court found that searching the third group's members was reasonable given the circumstances. It explained "that the gravity of the danger posed by possession of a firearm or other weapon on campus was great compared to the relatively minor intrusion involved in investigating the veracity of the unidentified student's accusation against a handful of high school age boys." (*In re Alexander B.*, *supra*, 220 Cal.App.3d at p. 1577.) It also rejected the minor's argument that a blanket accusation directed at a group of students did not furnish reasonable cause to believe that he might have a weapon. The court explained, "suspicion was focused on a group of five or six students. Given the potential danger to students and staff which would have resulted from inaction, a weapons search of the several accused students was reasonable."[3] (*Id.* at pp. 1577–1578.)

Similarly, the facts of this case satisfy the reasonable suspicion threshold. Here, N.S. himself remarked to the liaison officer that he had a gun. The credibility of his statement is arguably greater than that in *Alexander B* because the statement was made by N.S. himself. Though N.S. contends he made the statement jokingly, that was a factual issue for the juvenile court to weigh. (See, e.g., *In re Muhammed C.*, *supra*, 95 Cal.App.4th at p. 1330 [interpretation of a minor's hand gesture was a factual issue for the lower court to determine].) Further, the liaison officer's search only focused on N.S. rather than a group of students, and the potential danger of a

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[3] In *In re Randy G.* (2001) 26 Cal.4th 556, 567, our Supreme Court held that "detentions of minor students on school grounds do not offend the Constitution, so long as they are not arbitrary, capricious, or for the purposes of harassment." It disapproved of *In re Alexander B.*, *supra*, 220 Cal.App.3d 1572, to the extent it held that such detentions required reasonable suspicion. (*In re Randy G.*, at p. 567, fn. 2.) But *In re Randy G.* did not address the portion of *In re Alexander B.* concluding that the officer had reasonable suspicions to perform a search for weapons.

gun on campus outweighed N.S.'s privacy interests. (See *In re Alexander B.*, *supra*, 220 Cal.App.3d at pp. 1577–1578.)

N.S. also contends that his conduct did not give the liaison officer "carte blanche authority to demand a full search of [him]." He appears to suggest that the liaison officer should have conducted a more limited search, such as a patdown. But he cites no authority for the proposition that school officials must adopt lesser-intrusive means when conducting a search of a student on campus based on reasonable suspicion. Thus, we will not address this argument. (See *People v. Stanley* (1995) 10 Cal.4th 764, 793 [failure to cite legal authority waives argument]; *People v. Vaca* (2023) 89 Cal.App.5th 1113, 1122, fn. 7 [undeveloped arguments are forfeited].)

DISPOSITION

The order is affirmed.

MOORE, ACTING P. J.

WE CONCUR:

SCOTT, J.

SERVINO, J.