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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

RANDOLPH MARTINEZ,

Defendant and Appellant.

B266213

(Los Angeles County
Super. Ct. No. TA136047)

APPEAL from a Judgment of the Superior Court of Los Angeles County,
John Doyle, Judge. Affirmed.

Elizabeth K. Horowitz, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant Randolph Martinez of first degree burglary. The trial court placed him on probation for 36 months, subject to various terms and conditions, including that he spend 365 days in county jail. Defendant filed a notice of appeal.

BACKGROUND

Prosecution's Evidence

Eighty-one-year-old Dallas Todd resided in an apartment on East Alondra Boulevard in Compton, and stored various items of personal property in a garage there. On December 9, 2014, Mr. Todd discovered a hole in a garage wall large enough for a person to climb through. The garage had been ransacked and several items of his property were missing. The next day, December 10, 2014, Mr. Todd, along with his son, Eugene Warren, and his nephew, Dennis Todd, entered the garage again and found defendant inside. Mr. Warren asked defendant why he was there, and defendant answered that he was looking for his wallet. Mr. Warren called the police. Los Angeles County sheriff's deputies arrived, and found in defendant's truck several items that Mr. Todd identified as his, including a gas can, a fishing tackle box, a drill, a bottle of cider/champagne, and some sports trading cards.

Defense Evidence

Defendant's stepson, Daniel Rodriguez (then 33 year old), testified that the box of trading cards found in defendant's truck was his.

DISCUSSION

Defendant's appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 asking this court to independently review

the record to determine whether any arguable issue exists. Defendant was informed by letter of his right to file a supplemental brief. No such brief was filed. We have independently reviewed the record and conclude that no arguable issues exist.

DISPOSITION

The judgment (order granting probation) is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

COLLINS, J.