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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

HORACE KENDALL HARRIS,

Defendant and Appellant.

B239368

(Los Angeles County  
Super. Ct. No. SA078504)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Antonio Barreto Jr., Judge. Affirmed.

Jamilla Moore, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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Harris was charged in an information with one count of first degree burglary with a person present (Pen. Code, § 459)<sup>1</sup> and two counts of receiving stolen property (§ 496, subd. (a)). Represented by appointed counsel, Harris pleaded not guilty to the charges.

According to the evidence at trial, on the morning of July 30, 2011, Matthew Hawkins noticed his laptop computer was missing from his apartment after leaving his front door ajar all night. That same morning, one of Hawkins's neighbors notified police that Horace Kendall Harris was in possession of a motorcycle taken from Precision Sound, a repair shop next door to the apartment complex. Arriving officers entered the apartment adjacent to Hawkins's apartment, where they found Harris with a motorcycle and a motorized scooter, belonging to Precision Sound customers.

The trial court heard and denied Harris's oral motions to suppress evidence (§ 1538.5) and for judgment of acquittal (§ 1118.1). At the conclusion of the trial, the jury convicted Harris of one count of receiving stolen property (the motorcycle), but acquitted him of the remaining counts of first degree burglary and receiving stolen property (the scooter).

At the sentencing hearing, the trial court suspended imposition of sentence and placed Harris on three years of formal probation, on condition he serve 120 days in county jail, with 10 days credit for time served, and perform 100 hours of community service. The court ordered Harris to pay a \$40 court security fee, a \$30 criminal conviction assessment, a \$10 crime prevention fine and a \$200 restitution fine. The court imposed and suspended a parole revocation fine pursuant to section 1202.45.

We appointed counsel to represent Harris on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On September 17, 2012, we advised Harris he had 30 days in which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

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<sup>1</sup> Statutory references are to the Penal Code.

We have examined the record and are satisfied Harris's attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

JACKSON, J.