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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD ALLAN BELVILLE,

Defendant and Appellant.

B231742

(Los Angeles County  
Super. Ct. No. KA092699)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Tia Fisher, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

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Appellant Richard Allan Belville appeals his conviction, following a jury trial, of one count of being a felon in possession of a firearm in violation of Penal Code<sup>1</sup> section 12021, subdivision (a); one count of carrying a loaded firearm, with two prior felony convictions, in violation of section 12031, subdivisions (a)(1) and (a)(2)(A); and simple assault in violation of section 240. Appellant was sentenced to a four-year prison term, consisting of the two-year mid-term for the felon in possession count, and an additional year for each of the two prior felony convictions. Sentence on the carrying a loaded firearm conviction was stayed pursuant to section 654. Appellant was awarded 210 days of custody credits. We appointed counsel to represent him on this appeal. Finding no error, we affirm the judgment.

#### FACTUAL AND PROCEDURAL BACKGROUND

In November of 2010, appellant was living and working at his family's glass business, which was located in Pomona and owned by his younger sister, Rhonda Belville. On the evening of November 29, 2010, Ms. Belville returned to the shop and found that the door was bolted, preventing her entry. Appellant let Ms. Belville into the shop.

Frustrated at her inability to gain ready entry to her business, Ms. Belville chastised appellant for bolting the door and instructed him not to do it again. Appellant pushed his sister and grabbed her by the hair; she fell onto some furniture, hurting her back and legs. Ms. Belville left the shop.

When she returned to the shop the next day, Ms. Belville told appellant that he needed to leave. Appellant packed his personal belongings into an old Chevy truck and drove away. Ms. Belville reported the truck stolen.<sup>2</sup>

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<sup>1</sup> Unless otherwise indicated, further statutory references are to the Penal Code.

<sup>2</sup> Appellant was charged with unlawful taking of a vehicle in violation of Vehicle Code section 10851, subdivision (a); the jury acquitted him of this count.

Police officers detained appellant and the truck on the afternoon of November 30. A loaded rifle was recovered from the backseat, which appellant acknowledged belonged to him.

After examination of the record, appellant's counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested that this court conduct an independent review of the entire appellate record to determine whether any arguable issues exist. On January 23, 2012, we advised appellant that he had 30 days in which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende*, *supra*, 25 Cal.3d at p. 441.)

#### DISPOSITION

The judgment is affirmed.

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ARMSTRONG, J.

We concur:

TURNER, P. J.

MOSK, J.