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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.

SHESHE MIESHA STRAWDER,

Defendant and Appellant.

B276530

(Los Angeles County
Super. Ct. No. MA054907)

APPEAL from an order of the Superior Court of
Los Angeles County, Frank M. Tavelman, Judge. Affirmed.

Christopher Love, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Sheshe Miesha Strawder appeals from postjudgment orders revoking her probation and directing execution of a previously stayed county jail sentence. Strawder's appointed counsel filed an opening brief in which no issues were raised. Strawder then submitted a handwritten note and documents she contends demonstrate the trial court erred in ruling she had not satisfied the residential drug treatment program and CalTrans work conditions of her probation. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On January 31, 2012 Strawder waived her rights to a preliminary hearing and a jury trial and entered no contest pleas to one count of forgery (Pen. Code, § 476) and three counts of second degree burglary (Pen. Code, § 459) in Los Angeles Superior Court case number MA054907¹ and one count of possession of cocaine (Health & Saf. Code, § 11350, subd. (a)) in case number MA055122.

As part of her negotiated plea in case number MA054907, Strawder agreed she would be sentenced to five years in state prison, execution of her sentence would be stayed and she would be placed on five years of probation. Among the conditions of probation, Strawder was to enroll in and successfully complete a 120-day residential drug treatment program and complete 90 days of CalTrans work.

The parties stipulated, and the trial court found, Strawder was eligible for probation and drug treatment under Proposition 36 (Pen. Code, §§ 1210.1, 3063.1) in case number MA055122.

The record of the plea hearing established Strawder was advised of and waived her constitutional rights and was advised

¹ Case numbers refer to Los Angeles Superior Court cases.

of and acknowledged she understood the consequences of her pleas. In particular, the trial court advised Strawder, “[Y]ou’re going to have, ultimately, when it’s all said and done, two separate grants of felony probation, one involving the narcotics, and then in this case, where if you violate probation you’re looking up to five years in a custody facility. Do you understand that?” Strawder replied, “Yes, sir.”

On voir dire by the prosecutor, Strawder admitted her involvement in the forgeries and burglaries committed against U.S. Bank in case number MA054907. Counsel stipulated to a factual basis for the pleas in both cases. The trial court found Strawder had knowingly, voluntarily and intelligently waived her constitutional rights and entered her no contest pleas.

The trial court placed Strawder on two years of formal probation pursuant to Proposition 36 in case number MA055122, continued sentencing in case number MA054907, and ordered Strawder released on her own recognizance.

On February 29, 2012 the trial court sentenced Strawder in accordance with the plea agreement in case number MA054907 to five years in state prison, stayed execution of sentence and placed Strawder on five years of probation on condition she complete a 120-day residential drug treatment program, perform 90 days of CalTrans work and pay \$2,200.22 in restitution to U.S. Bank. The parties stipulated and the court agreed that Strawder’s successful completion of the 120-day residential program would satisfy the drug treatment probation condition of Proposition 36 in case number MA055122. The court ordered Strawder to pay statutory fines, fees and assessments and awarded her 40 days of presentence conduct credits. The remaining counts were dismissed in the interests of justice. At the conclusion of the

hearing the court admonished Strawder that if she failed to complete the 120-day residential drug treatment program and perform the 90 days of CalTrans work within one year, she would be facing a five-year state prison sentence.

On September 14, 2012 Strawder admitted she had violated probation in case number MA054907. The trial court revoked and reinstated probation on condition Strawder serve 90 days in county jail.

In 2013 Strawder's probation in case number MA055122 was terminated.

On February 4, 2015 Strawder admitted she had violated probation in case MA054907. The court revoked and reinstated probation, again ordering Strawder to enroll in and successfully complete a 120-day residential drug treatment program. Strawder provided no proof of having completed a 90-day residential treatment program as she claimed. The court stated, if Strawder provided proof, the 90 days would be applied toward the required 120 days of the residential drug treatment program.

After revoking and reinstating Strawder's probation on one other occasion, the court revoked probation and issued a bench warrant on March 28, 2016 upon learning that Strawder had failed to report to the probation department. On April 12, 2016 Strawder appeared in court. The court recalled the bench warrant, set a probation violation hearing and remanded Strawder into custody.

At the probation violation hearing, Deputy Probation Officer Latasha Bradford testified Strawder had not reported to the probation department since August 2015 for drug testing, although Strawder had been excused from reporting in October, November and December 2015 due to illness. Strawder had also

failed to show she had completed the 90 days of CalTrans work. Additionally, Strawder had completed 90 days, rather than 120 days of the court-ordered residential drug treatment program. Bradford testified she received a letter in February 2016 in which Strawder stated she was no longer on probation. In response, Bradford explained to Strawder she was still on probation in this case.

Strawder testified in her defense she had completed a 90-day Acton residential drug treatment program as a condition of her Proposition 36 probation. Strawder introduced a letter from High Desert Recovery Services, indicating she had successfully completed a two-month outpatient drug treatment program on March 2, 2013. Strawder believed her participation in the two programs satisfied the probation condition that she complete 120 days of residential drug treatment.

Strawder also introduced a document showing she had completed 90 days of community service with the Community Alcohol and Drug Treatment Foundation. Strawder testified she was unable to report to the probation department because of illness for which she was excused. Strawder further testified, because she had completed the Proposition 36 probation conditions and her probation in case number MA055122 had been terminated in May 2013, she believed she was no longer on probation in case number MA054907.

At the conclusion of the hearing the trial court credited the probation officer's testimony, disbelieved Strawder's testimony and questioned the authenticity of the documents she had introduced. The court found Strawder in violation of probation for failing to successfully complete the 120-day residential drug treatment program and the 90 days of CalTrans work or

community labor, and for failing to report to the probation department as ordered. The court ordered executed the previously stayed five-year state prison sentence and awarded Strawder 245 days of presentence custody credits.

DISCUSSION

Strawder filed a timely notice of appeal. We appointed counsel to represent Strawder on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On January 30, 2017 we advised Strawder she had 30 days within which to personally submit any contentions or issues she wished us to consider. On February 27, 2017 we received from Strawder a collection of documents with a hand-printed note, which stated: “Enclosed is a copy of completion on case [number MA054]907 for the agreement to do the drug program PC 1210 Prop 36. There is also [a] copy of the minute order showing that PC 1210 imposed on the matter in lieu of the proposition 36 program order on [case number] MA055122. There is a copy of [a] minute order showing that the probation terms shall all run concurrent and all terms and conditions of probation apply to all counts.”

Assuming we may consider the documents Strawder has provided as part of the record on appeal, they fail to prove Strawder was no longer on probation in case number MA054907 and had successfully completed 120 days of a residential drug treatment program and 90 days of CalTrans work as conditions of probation in that case.

We have examined the entire record and are satisfied Strawder’s appellate 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, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The order is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

SMALL, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.