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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER LAURENCE BARNUM,

Defendant and Appellant.

B236058

(Los Angeles County  
Super. Ct. No. VA117910)

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Dewey Lawes Falcone, Judge. Reversed in part and affirmed.

Michael Allen, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Scott A. Taryle and Tannaz Kouhpainezhad, Deputy Attorneys General, for Plaintiff and Respondent.

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Christopher L. Barnum was convicted by a jury of theft and receiving stolen property in connection with the theft of a bicycle. (Pen. Code, §§ 211, 496.) The trial court thereafter suspended imposition of sentence and placed Barnum on formal probation for a period of three years. Barnum contends, and the Attorney General concedes, that California law generally prohibits dual convictions for both theft and receiving stolen property if it involves the same property. (Pen. Code, § 496, subd. (a); *People v. Smith* (2007) 40 Cal.4th 483, 522.) We agree that Barnum may not be convicted of both stealing and receiving the same bicycle. Therefore, his conviction for receiving stolen property may not stand.

### **DISPOSITION**

Defendant's conviction for receiving stolen property is reversed and the judgment is otherwise affirmed.

BIGELOW, P. J.

We concur:

FLIER, J.

GRIMES, J.