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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

LYNNE ELLEN PILKINGTON,

Defendant and Appellant.

2d Crim. No. B253425
(Super. Ct. No. 2011041067)
(Ventura County)

Lynne Ellen Pilkington appeals a judgment following conviction of one count of petty theft with three or more priors. (Pen. Code, § 666, subd. (a).)¹ Appellant waived her right to a jury trial and admitted the priors. The trial court found appellant guilty of aiding and abetting Amanda Streetly in stealing merchandise from a store. It discounted as "simply not credible" appellant's and Streetly's testimony that appellant was unaware of the theft, and concluded the prosecution had proved beyond a reasonable doubt "not only that [appellant] aided and abetted, but that she intended to do so and took steps including but not limited to acting as a lookout and then going through the check-out stand knowing that there were two bags loaded with stuff that was being stolen, and then facilitating the exit of those goods from the store."

¹All statutory references are to the Penal Code.

The trial court granted appellant's *Romero* motion,² and struck both the prior strike (§ 667, subds. (c)(1), (e)(1)) and the allegation that any executed sentence for a felony shall be served in state prison (§ 1170, subd. (h)(3)). The court stayed imposition of sentence and placed appellant on formal probation for three years. She was ordered to serve 66 days in county jail and given credit for 33 days of actual jail time and 33 days in accordance with section 4019. Her jail time was deemed served. We appointed counsel to represent her on appeal.

After walking into a Walmart store in Simi Valley on November 6, 2011, appellant and Streetly caught the attention of Nayiff Arias, a loss prevention officer. Arias thought they were acting suspiciously. He saw Streetly conceal several Walmart items, while appellant acted as a "look-out." In one instance, appellant coughed as another customer walked near the aisle Streetly was in. Streetly stopped concealing merchandise and pretended to look at items on the shelf.

After nearly two hours of shopping, the pair went through the checkout counter with a single shopping cart. They paid for some items, but did not pay for two bags of merchandise concealed under a laundry basket in the cart. Arias detained them and called the police.

When the police arrived, appellant and Streetly expressed concern over appellant's prior theft record. Although Streetly took all the blame for the theft, appellant admitted she knew Streetly was stealing merchandise. Streetly pled guilty to petty theft.

Appointed counsel filed a brief raising no issues and requesting our independent review pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We notified appellant she had 30 days in which to advise us of any claims she wished us to consider. She filed a two-page, handwritten letter on May 8, 2014.

Appellant contends she did not receive a fair trial and asks us to "consider and review" the record. She asserts (1) the district attorney contradicted herself "quite a few times," (2) defense counsel failed to ask appellant "questions to elaborate on the

² *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

D.A.'s yes or no questions," and (3) the reports given by the security guard (Arias) "changed each time."

Reviewing the record for error is precisely the function of an appeal filed pursuant to *Wende*. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to appellant. We are satisfied that appointed counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 123-124; *Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Matthew Guasco, Judge
Superior Court County of Ventura

Arielle Bases, under appointment by the Court of Appeal; Lynne E.
Pilkington, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.