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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

BONNIE LEE SANCHEZ,

Defendant and Appellant.

B284240

(Los Angeles County
Super. Ct. No. BA454505)

THE COURT:*

Defendant and appellant Bonnie Lee Sanchez (defendant) appeals her counterfeiting conviction, challenging only the denial of her motion to suppress evidence. Defendant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On January 24, 2018, we notified defendant of her counsel's brief and gave her leave to file within 30 days, her own brief or letter stating any grounds or argument she might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the

*LUI, P.J., ASHMANN-GERST, J., CHAVEZ, J.

entire record, and finding no arguable issues affirm the judgment.

After a preliminary examination defendant was charged by information with one count of violating Penal Code section 472, forgery or counterfeiting of a seal.¹ The information also alleged that defendant had suffered two prior convictions for which she served prison terms within the meaning of section 667.5, subdivision (b). Defendant thereafter filed a motion to suppress evidence pursuant to section 1538.5. After an evidentiary hearing, the trial court denied the motion. On July 26, 2017, defendant pled no contest to the charge. The trial court dismissed the prison-prior allegation and sentenced defendant to the low term of 16 months in prison, to run concurrently with the sentence in another case. The court ordered defendant to pay mandatory fines and fees, and awarded presentence custody credit of 132 days, composed of 66 days each of custody and conduct credit. The trial court later reduced defendant's conviction to a misdemeanor, pursuant to section 17, subdivision (b), resentenced her to 365 days in county jail, with credit for time served, and then later corrected the sentence nunc pro tunc to 364 days. Defendant filed a timely notice of appeal from the judgment.

In opposition to defendant's suppression motion the prosecution presented the testimony of Los Angeles County Sheriff's Deputy Juan Sanchez. Deputy Sanchez testified that while on patrol with his partner he observed a car parked at the side of a public street in high-crime area known for gang and narcotics activity, recent assaults, and many recovered stolen vehicles. The car had no license plates or temporary license. A

¹ All further statutory references are to the Penal Code, unless otherwise indicated.

visor on the windshield and dark tint on the back and side windows blocked all view into the car. As Deputy Sanchez approached he smelled the odor of burnt marijuana emitting from the car. He also heard noises within. He knocked on window and said, “Sheriff’s Department”; and although he heard one or two voices, no one responded. Deputy Sanchez opened the unlocked door and saw two women in the backseat engaged in sexual activity. The women were ordered out of the car and detained to allow investigation of possible illegal possession of narcotics and indecent exposure. Defendant denied being on probation or parole and claimed that she had recently purchased the car from her father, but neither she nor her companion could produce identification. Deputy Sanchez placed them in the back seat of the patrol car, checked with the probation department, and received erroneous information that defendant was on probation with a search condition. The deputy then searched the car, and among other items, found a key fob for the car, a purse containing counterfeit currency, and a page of copied bills inside a copy machine. Two plastic bags of marijuana were found, but Deputy Sanchez considered possession of them to be lawful and did not seize them.

The trial court found the initial detention to be proper due to the absence of license plates or a temporary license. (See *In re Raymond C.* (2008) 45 Cal.4th 303, 307 [traffic stop]; *People v. Torralva* (1971) 17 Cal.App.3d 686, 689 [detention of occupant of parked car]; Veh. Code, §§ 5200-5201.) The court concluded that under all circumstances, including the odor of marijuana, the deputy had probable cause to search the car.²

² The odor of marijuana in an occupied parked car can provide probable cause to search the car, even if it is ultimately determined that the occupant possessed a lawful amount of the

We have examined the entire record and are satisfied that defendant's appellate counsel has fully complied with his responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against her in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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substance. (See *People v. Strasburg* (2007) 148 Cal.App.4th 1052, 1058-1059.)