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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.

JASON GEORGE HARVEY,

Defendant and Appellant.

B239264

(Los Angeles County
Super. Ct. No. PA068575)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Beverly Reid O'Connell, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

During the evening of September 13, 2010, Los Angeles Police Department detectives had a Sun Valley apartment building under surveillance. The detectives saw appellant Jason George Harvey sitting in the driver's seat of his car parked in the building's underground garage. A male stood on the driver's side of the car and a female stood on the passenger side. The officers saw the male reach into the open driver's side window and then walk away. Based on their experience and training, the detectives concluded they had witnessed a drug transaction.

One of the detectives approached and stopped the man who had reached into appellant's car. The detective searched the man's pocket and found rock cocaine. The detective alerted his fellow detective, who approached appellant standing near his car. That second detective asked for and received appellant's permission to search appellant's car. The detective found a small amount of marijuana and cocaine under the car's front seat.

The People filed an information charging appellant with selling cocaine. The information further alleged that appellant had suffered two prior prison terms and one strike under the Three Strikes law.

Appellant pleaded not guilty. He thereafter filed a *Pitchess* motion seeking information relevant to his defense that the detectives were mistaken or lying when they claimed he consented to a search of his vehicle. The court granted an in-camera hearing and ordered disclosure of information from one detective's file.

Appellant also moved to suppress evidence seized from his car on the ground he had not consented to the search. Arguing the detectives had no articulable suspicion that he was engaged in criminal conduct, he sought suppression of the cocaine seized from his car as the product of an unlawful search. After a hearing, the court denied the motion on the ground that discovery of cocaine on the male who had reached into appellant's car supported the detective's request to search appellant's car.

Appellant thereafter entered into a plea bargain. He waived his rights to jury trial, confrontation, and silence, and pleaded no contest to possession of cocaine. As part of the plea bargain, the People dismissed the charge of selling cocaine. The court sentenced

appellant to state prison for four years, consisting of the mid-term of two years doubled under the Three Strikes law. The court awarded appellant pre-sentence custody credit of 7 actual days and 6 local conduct credits.

Appellant filed a notice of appeal from denial of his motion to suppress. We appointed appellate counsel to represent appellant. On May 7, 2012, appellant's counsel filed a *Wende* brief stating he could not find any arguable issues for appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) We sent a letter to appellant inviting him to file a letter or brief raising any issues he wanted us to consider. Appellant has not filed any such letter or brief. We have reviewed the record, paying particular attention to the court's credibility determinations in the motion to suppress, and find no arguable issues for appeal.

DISPOSITION

The judgment is affirmed.

RUBIN, ACTING P. J.

WE CONCUR:

FLIER, J.

SORTINO, J.*

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