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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.

HECTOR MONTIEL SANCHEZ,

Defendant and Appellant.

B279967

(Los Angeles County
Super. Ct. No. NA102427)

APPEAL from the judgment of the Superior Court of Los Angeles County. Henry J. Hall, Judge. Affirmed.

Adrian Dresel-Velasquez, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

On September 15, 2015, defendant and appellant Hector Montiel Sanchez was charged by information with one count of theft (Pen. Code, § 484e, subd. (d)). It was also alleged defendant had suffered four prison priors (§ 667.5, subd. (b)). The charges were based on defendant's unlawful possession of an access card belonging to another individual (a California EBT card issued to an unrelated female). The access card was discovered in defendant's pocket during a patdown search following his detention by Long Beach police officer Gabriel Betanzos. Defendant was observed by the officer committing a misdemeanor in a public location, and was a known member of the East Side Longo gang, subject to a gang injunction applicable to that location.

Defendant, represented by appointed counsel, moved to suppress the card found in his pocket pursuant to Penal Code section 1538.5. The court denied the motion, explaining the access card was lawfully discovered during the patdown search.

On October 22, 2015, defendant pled no contest to the theft charge. The court accepted defendant's waivers on the record. Counsel stipulated to a factual basis for the plea. The court suspended imposition of sentence and placed defendant on three years formal probation, subject to various conditions, including that he serve 180 days in county jail. Defendant was awarded 130 days of custody credits, and was ordered to pay various fines and fees.

In October 2016, the district attorney's office filed a motion requesting revocation of probation on the grounds defendant had violated Penal Code section 4573.8. While in custody,¹ defendant

¹ It appears defendant was in custody on a new case for violation of Penal Code section 187, subdivision (a).

was found to be in possession of jail-made alcohol or “pruno.” The district attorney sought to revoke defendant’s probation in the access card case (NA102427), and also filed a new case based on the possession of the pruno (BA451150).

Defendant made a motion to represent himself at the probation revocation hearing pursuant to *Faretta v. California* (1975) 422 U.S. 806. After having defendant read and sign the requisite form, the court gave defendant the required admonishments and accepted his formal waiver of counsel on the record.

The probation revocation hearing was held on December 13, 2016. The court heard testimony from the deputy who discovered the pruno in defendant’s possession, and the criminalist who analyzed and verified the recovered substance. Defendant did not put on any witnesses.

The court found defendant to be in violation of the terms of his probation in the access card case and revoked probation. The court imposed the three-year sentence, and awarded defendant 404 days of custody credits. The court accepted the prosecutor’s dismissal of the new case (BA451150).

Defendant filed a timely notice of appeal. We appointed appellate counsel to represent defendant. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent a letter to defendant explaining his evaluation of the record. Counsel further declared he advised defendant of his right, under *Wende*, to submit a supplemental brief within 30 days, and forwarded copies of the record to defendant. Defendant did not file a supplemental letter brief.

We have examined the entire record of proceedings submitted to this court and are satisfied that appointed counsel fully complied with his responsibilities in assessing whether or not any colorable appellate issues exist. We conclude there are no arguable appellate issues. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment of conviction is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

FLIER, J.