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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ALAN GREGORY DONALDSON,

Defendant and Appellant.

B281166

(Los Angeles County
Super. Ct. No. BA446955)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Craig E. Veals, Judge. Affirmed.

Athena Shudde, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

Two Los Angeles Police Department narcotics officers were working undercover in downtown Los Angeles when they saw Alan Gregory Donaldson engage in a hand-to-hand sale of pills. Believing the pills were prescription drugs, the officers radioed a uniformed officer who detained Donaldson and searched him. The officer recovered two prescription pill bottles with Donaldson's name on them, \$1,175 in cash, primarily in twenty-dollar bills, and other items. The bottles contained 104 hydrocodone tablets and what appeared to be Klonopin (clonazepam) tablets. The People charged Donaldson with possession for sale of a controlled substance (Health & Saf. Code, § 11351) and possession of stun gun by a person convicted of a felony or a crime involving assault (Pen. Code, § 22610, subd. (a)).

At a pretrial conference, Donaldson moved under Evidence Code sections 1043 and 1045 and *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*) for a review of the personnel records of the five officers involved in his detention and arrest. The trial court granted the motion with respect to any records reflecting false reporting or testimony by Officer Ernesto Munoz, an undercover officer who saw the hand-to-hand sale and wrote the police report. After conducting an in camera hearing and review, the trial court found no discoverable information.

Prior to trial, the trial court granted the prosecutor's motion to dismiss the possession of a stun gun charge. The jury convicted Donaldson of the remaining charge of possession of a controlled substance. The court suspended imposition of sentence and placed Donaldson on probation for three years on the

condition, among others, he serve 60 days in county jail. Donaldson filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent Donaldson in this appeal. After reviewing the record, counsel filed an opening brief raising no issues. On August 1, 2017 we advised Donaldson he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider. On August 14, 2017 the notice was returned by the Los Angeles County Jail indicating Donaldson was released.¹

We have examined the record and are satisfied appellate counsel for Donaldson has complied with her responsibilities and that there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) We have also reviewed the sealed transcript of the in camera hearing after the court granted Donaldson's motion for a review of the police officer's personnel records. We conclude the trial court did not abuse its discretion in ruling there was no discoverable information. (See *People v. Mooc* (2001) 26 Cal.4th 1216, 1228 [“[a] trial court's decision on the discoverability of material in police personnel files is

¹ When we appointed appellate counsel for Donaldson, we directed Donaldson “to keep the court informed of his/her mailing address at all times. If you move, you MUST notify the clerk of this court immediately; otherwise you may not receive important notices concerning your appeal.” Donaldson has not provided any information regarding his current address following his apparent release from the Los Angeles County Jail.

reviewable under an abuse of discretion standard”]; accord,
People v. Galan (2009) 178 Cal.App.4th 6, 12.)

DISPOSITION

The judgment is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

BENSINGER, J.*

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