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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.

ERIC GEFFEN,

Defendant and Appellant.

2d Crim. No. B281795
(Super. Ct. No. GA099808)
(Los Angeles County)

A jury found appellant Eric Geffen guilty of residential burglary (Pen. Code, § 459).¹ In a bifurcated proceeding, appellant admitted having suffered two prior serious or violent felony convictions within the meaning of the Three Strikes law (§§ 667, subds. (b)-(i), 1170.12) and section 667, subdivision (a)(1). After striking one of the prior strikes for sentencing purposes (§ 667, subds. (b)-(i); see *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497), the trial court sentenced

¹ All further statutory references are to the Penal Code.

appellant to 18 years in prison, consisting of the mid-term of four years, doubled to eight years pursuant to section 667, subdivision (e)(1), plus five years for each prior conviction pursuant to section 667, subdivision (a)(1). Appellant was awarded 360 days of custody credit.

We appointed counsel to represent appellant in this appeal. After an examination of the record, counsel filed an opening brief requesting that the court make an independent review under *People v. Wende* (1979) 25 Cal.3d 436.

We subsequently advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. The 30 days have since passed, and appellant has not presented any contentions or issues for our consideration.

The victim, Veronica Benavides, was a tenant in an apartment building in Alhambra. Benavides stored personal items in four storage cabinets in her carport. Three of the four storage cabinets were locked.

On July 15, 2016, Benavides discovered that one of the crates from the unlocked storage cabinet had been removed and placed near the carport area. Benavides subsequently discovered that certain items were missing from the storage cabinet. The items included baseball cards, sports memorabilia, guitars, a viola and clothes.

Benavides contacted her landlord, David Thordsen, because she knew he had installed surveillance cameras on the property. Thordsen produced a surveillance video showing appellant taking items out of Benavides's storage containers on several occasions. After taking the items, appellant would walk away in the direction of his own apartment. Thordsen recognized appellant as one of his neighbors but did not know his full name.

Two days after the incident, Officer Derrick Lew interviewed Benavides and Thordsen and viewed the surveillance video. Thordsen told the officer that he recognized the man in the video as a neighbor and showed the officer where that man lived.

Officer Eduardo Cervantes had two contacts with appellant in September 2016. One contact involved a possible theft, and the second involved a complaint that appellant was lurking near some bushes. Following those contacts, Officer Cervantes learned of the burglary at Benavides's carport and was provided with the suspect's name and photograph. The officer recognized the suspect from his prior contacts with appellant. When Officer Cervantes saw appellant on October 6, 2016, he arrested appellant for burglary. The officer testified at trial that he was 80 percent sure appellant is the man depicted in the surveillance video.

We have reviewed the entire record and are satisfied that appellant's counsel has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Michael Villalobos, Judge
Superior Court County of Los Angeles

Bird & Bird, Karen Hunter Bird, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.