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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.

MANUEL MAGALLANES,

Defendant and Appellant.

B282290

(Los Angeles County
Super. Ct. No. NA105643)

APPEAL from a judgment of the Superior Court of
Los Angeles County. James D. Otto, Judge. Affirmed.

Sylvia W. Beckham, under appointment by the Court of
Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief
Assistant Attorney General, Lance E. Winters, Assistant
Attorney General, Victoria B. Wilson and Kathy S. Pomerantz,
Deputy Attorneys General, for Plaintiff and Respondent.

On December 29, 2016, Judge Laura L. Laesecke issued a search warrant authorizing a search of defendant and appellant Manuel Magallanes, his residence, and vehicles under the control of occupants at defendant's residence for evidence of the crimes of possessing and/or selling methamphetamine. The warrant application was substantiated by a sealed affidavit based on information from a confidential informant, which Los Angeles County Sheriff's Deputy Barry Quill referenced; Deputy Quill asked that the trial court seal the affidavit pursuant to *People v. Hobbs* (1994) 7 Cal.4th 948 (*Hobbs*).

Later, the Los Angeles County District Attorney's Office charged defendant with possession for sale of a controlled substance (Health & Saf. Code, § 11378; count 1) and possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1); count 2).¹ The information further alleged that defendant had served three prior prison terms pursuant to section 667.5, subdivision (b).

Defendant pleaded not guilty. He made a motion to unseal, quash, and traverse the search warrant and to suppress evidence pursuant to *Hobbs, supra*, 7 Cal.4th 948. The prosecutor filed an opposition to defendant's motion.

The trial court conducted an in camera inspection and found that the affidavit was properly sealed. Thus, it denied defendant's *Hobbs* motion.

Defendant later changed his plea and pleaded no contest to count 1. Count 2 was dismissed pursuant to section 1385. The trial court sentenced defendant to three years in county jail.

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

Defendant timely appealed. He asks that we independently review the sealed affidavit and any other sealed portions of the record to determine whether the trial court erred in denying his *Hobbs* motion. The People agree that such review is appropriate.

Pursuant to *Hobbs*, we have conducted an independent review of the sealed portions of the record. Like the trial court, we conclude that there were sufficient grounds for maintaining the confidentiality of the informant's identity, that the extent of the sealing was necessary for that purpose, and that there was no reasonable probability that defendant could prevail on his motions to quash and traverse the warrant. (*Hobbs, supra*, 7 Cal.4th at pp. 972, 974, 975; *People v. Galland* (2008) 45 Cal.4th 354, 364.)

DISPOSITION

The judgment is affirmed.

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_____, Acting P. J.
ASHMANN-GERST

We concur:

_____, J.
CHAVEZ

_____, J.*
GOODMAN

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