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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SADITH SANCHEZ,

Defendant and Appellant.

B243268

(Los Angeles County
Super. Ct. No. KA097204)

APPEAL from an order of the Superior Court of Los Angeles County, George Genesta, Judge. Affirmed.

Jonathan P. Fly, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL BACKGROUND

On January 16, 2012, at 7:35 p.m., West Covina Police Officer Scott Mohler observed defendant driving southbound on Sunset Avenue just north of Francisquito. Defendant was illegally driving in the area bounded by double yellow lines before the left turn pocket in order to pass another vehicle. After passing the other vehicle, defendant turned left onto eastbound Francisquito. Officer Mohler activated his lights and pulled her over to the curb. Defendant looked around the car for her license, and told Officer Mohler she was having a hard time finding it. Defendant stated she believed it was on the floorboard and got out of the car and faced Officer Mohler. Defendant was holding a pink wallet and made a shaking motion. Officer Mohler saw a piece of cellophane come out of the wallet and drop down towards his right foot almost under the car. Defendant moved to step on the object. Officer Mohler, believing the package might contain a controlled substance, detained her in handcuffs and recovered the object. The package contained .46 grams of cocaine base. Officer Mohler searched defendant's car and did not find any drug paraphernalia, and although he did not conduct a sobriety test, he determined while talking to defendant that she was not under the influence.

Defendant testified on her own behalf and asserted that she was in the left turn lane and had the door open. Defendant was vomiting because she had overeaten and was about to close the door when she saw the police car behind her with its lights on. She pulled over. Her window was open, and when Officer Mohler approached the car, she had her pants unbuttoned because she was not feeling well. He asked why her car door was open in the center median and she told him she was not feeling well. Just 20 minutes before, she had gotten a traffic ticket so she reached for the glove box to get her license. Officer Mohler asked her to step out of the car. She made a motion to button her pants and he said, "whoa." He asked her what she was going to do and she said, "button my pants." Officer Mohler said, "what's that right there?" and picked up the cellophane and showed it to her. He said, "were you going to step on this?" Officer Mohler handcuffed her. Defendant did not know who the object belonged to, and did not know

what it was. Officer Mohler performed a field sobriety test on her. Defendant operates a transportation company which transports Regional Center clients who have mental and behavioral disorders. She has between nine and 12 employees, and all but two of them drive the cars for her company. Defendant believed the wallet may have belonged to a client named Cody, who had history of drug use and who had been in the vehicle several days before.

In rebuttal, Officer Mohler testified he saw the pink wallet in defendant's hand when she got out of the car, and saw her discard something from the wallet which landed near his right foot. He did not perform field sobriety tests on defendant, and she did not mention she had been throwing up. Officer Mohler did not show defendant the package, nor did he ask her what it was.

Sergeant Michelle Figueroa, who had responded to the scene to conduct a person search of defendant, testified that defendant told her the object was not hers and that Cody had given it to her to hold for him. Sergeant Figueroa did not write this statement in her report because it was a vehicle impound report.

PROCEDURAL HISTORY

On May 23, 2012, defendant was charged with one count of possession of a controlled substance in violation of Health and Safety Code section 11350, subdivision (a). The jury found defendant guilty as charged. The trial court found defendant eligible for sentencing under Proposition 36 (Pen. Code, § 1210.1), suspended imposition of sentence, put defendant on formal probation for 12 months under Proposition 36, and ordered her to undergo substance abuse treatment.

We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. On February 22, 2013, we advised defendant she had 30 days within which to personally submit any contentions or issues she wished us to consider. To date, we have received no response. We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and

that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order is affirmed.

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JOHNSON, J.

We concur:

ROTHSCHILD, Acting P. J.

CHANEY, J.