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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.

JENNIFER LOVE MONIQUE  
MURO,

Defendant and Appellant.

B264993

(Los Angeles County  
Super. Ct. No. GA092524)

APPEAL from a judgment of the Superior Court of Los Angeles County, Teri Schwartz, Judge. Affirmed.

Dawn S. Mortazavi, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

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## INTRODUCTION

Defendant Jennifer Love Monique Muro appeals from a judgment entered after a jury convicted her of identity theft (Pen. Code, § 530.5, subd. (a)) and forgery (*id.*, § 475, subd. (c)). The convictions arose from Muro's attempt to cash a forged check at a large chain store. The trial court suspended imposition of sentence on both counts, placed Muro on formal probation for a period of three years conditioned on service of 90 days in the county jail and 30 days of community service, and imposed various statutory fines and assessments.

On appeal, Muro contends the imposition of formal probation for both crimes violated Penal Code section 654 (section 654), because the convictions arose from an indivisible course of conduct and were incident to a single objective. Section 654 does not apply, however, because the trial court suspended imposition of sentence and placed Muro on probation. We therefore affirm.

## DISCUSSION

Section 654 “prohibits punishment for more than one crime arising from a single indivisible course of conduct.” (*People v. Williams* (2013) 57 Cal.4th 776, 781; see Pen. Code, § 654, subd. (a) [“An act or omission that is punishable in different ways by different provisions of law shall be punished under the provision that provides for the longest potential term of imprisonment, but in no case shall the act or omission be punished under more than one provision”].) If imposition of sentence is suspended and the defendant is placed on probation, however, there is no punishment within the meaning of

section 654, even if probation is conditioned on jail time.<sup>1</sup> (See *People v. Wittig* (1984) 158 Cal.App.3d 124, 137; *People v. Stender* (1975) 47 Cal.App.3d 413, 425; *People v. King* (1963) 218 Cal.App.2d 602, 611.) Here, the court suspended imposition of sentence as to both counts and placed Muro on probation, so it did not violate section 654.

### DISPOSITION

The judgment is affirmed.

MENETREZ, J.\*

We concur:

PERLUSS, P. J.

ZELON, J.

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<sup>1</sup> We need not consider whether consecutive jail terms on multiple counts as conditions of probation would implicate section 654, because here the court did not impose consecutive jail terms.

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