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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.

LAWRENCE LOVE,

Defendant and Appellant.

B237102

(Los Angeles County
Super. Ct. No. BA378660
consolidated with BA379675)

THE COURT:*

Lawrence Love appeals from the judgment entered upon his convictions of one count of first degree burglary (Pen. Code, § 459, count 2)¹ and one count of second degree burglary (§ 459, count 3),² upon his plea of no contest pursuant to a plea agreement providing for a maximum sentence of four years. His plea was made after his two motions to suppress evidence pursuant to section 1538.5 were denied. Despite a psychiatrist's report recommending probation, the trial court denied probation because

* BOREN, P. J., DOI TODD, J., ASHMANN-GERST, J.

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

² A first degree burglary charge in count 1 was dismissed pursuant to the plea agreement.

the crimes “go to the core of the communities sense of security and safety” and involved elderly women. It sentenced appellant to the low term of two years on count 2 and a concurrent two-year term on count 3, awarding 285 actual days of presentence credit and 42 days of conduct credit.

FACTUAL BACKGROUND³

Appellant’s convictions arose from two separate incidents, the facts of which are as follows:

The November 30, 2010 burglary

On November 30, 2010, at 3:50 a.m., Los Angeles Police Officers Michael Chapman and David Tello received a radio call for a burglary at an apartment building at Figueroa and 56th Street. The call said the perpetrator was a “male female unknown wearing dark clothing.” The officers responded and observed that the security gate to the apartment complex was open, and a Black male was walking away from the apartment complex, wearing a dark, camouflaged, hooded sweatshirt, black pants and dark shoes. He was the only person on the street.

The officers pointed their spotlight at appellant and told him to stop. He continued walking, throwing something under a parked car. Officer Chapman later recovered credit cards from under the car. The officers detained appellant, and the victim was brought for a showup, where she identified appellant.

³ The facts are taken from the transcript of the suppression hearings regarding each of the two burglaries.

The August 12, 2010 burglary

On August 12, 2010, at 8:00 a.m., Los Angeles Police Officer Luis Rivera and his partner went to the emergency room at Harbor UCLA Medical Center, looking for a Black male between the ages of 25 and 35 years of age, five feet nine inches tall and 180 pounds, with a stab wound to his upper torso. They had received a report that Christopher Porter (Porter), a victim, had stabbed a person matching that description, who had entered his house. The officers located appellant in the emergency room, with a stab wound to his back, matching Porter's description.

Initially, the officers treated appellant as a victim, as he claimed his girlfriend stabbed him in an argument. When appellant's story was checked, including a call to the number he gave for his girlfriend, it appeared to be untrue. The woman who answered the phone did not know him. This was one factor in the decision to arrest appellant.

Porter was brought to the hospital for a field showup. Appellant was in a hospital bed in the emergency ward at the time. He was not handcuffed and had not been arrested. Porter identified appellant as the person who had broken into his home.

PROCEDURAL BACKGROUND

After denial of appellant's suppression motions, he changed his plea to no contest to first degree burglary in count 2, and to second degree burglary to count 3 (which had been added by amendment), pursuant to the plea agreement. Appellant was to have a 90-day diagnostic evaluation pursuant to section 1203.03, and sentence was to be determined after the results of that evaluation were received. The psychiatric evaluator recommended that appellant be given probation, while the Division of Adult Institutions and the probation report recommended that he be given a prison sentence because he presented a serious risk to society.

We appointed counsel to represent appellant on appeal. After examination of the record, counsel filed an "Opening Brief" in which no issues were raised. On March 15, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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