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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY ARTHUR LIST,

Defendant and Appellant.

B233829

(Los Angeles County  
Super. Ct. No. MA051162)

APPEAL from a judgment of the Superior Court of Los Angeles County, Charles A. Chung, Judge. Affirmed, as corrected.

Joseph R. Escobosa, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Larry Joseph List appeals from the judgment entered after his jury conviction of 15 counts of grand theft auto (Pen. Code, § 487, subd. (d)(1)) and one count of conspiracy to commit grand theft auto (Pen. Code, § 182, subd. (a)(1)).<sup>1</sup> List's appointed counsel filed a *Wende* brief. (*People v. Wende* (1979) 25 Cal.3d 436.) On January 27, 2012, we directed List's counsel to send the record on this appeal and a copy of the brief to List and notified List that he had 30 days from the date of the notice to submit by brief or letter any grounds of appeal he wished us to consider. We received no response from List.

We direct the court to correct a clerical error in the abstract of judgment but otherwise affirm the judgment.

### **FACTUAL AND PROCEDURAL SUMMARY**

List was charged in an information with 15 counts of grand theft auto (§ 487, subd. (d)(1)), one count of misdemeanor petty theft (§ 484, subd. (a)), and one count of conspiracy to commit grand theft auto (§ 182, subd. (a)(1)). The information also alleged that List had suffered four prior convictions for burglary (§ 459), manufacturing a controlled substance (Health & Saf. Code, § 11379.6, subd. (a)), possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a)), and grand theft (§ 487, subd. (a)). He was tried with co-defendant Reagan Jennifer Irwin.

Benjamin Vargas, who owns a business towing and selling junk cars, was told by a friend that List had junk cars he wanted to sell. Vargas met List at Phelan Recycling, where List lived and worked. List took Vargas to a property that contained numerous cars and other equipment. List told Vargas that his stepfather, who owned the cars, was sick in the hospital and had told List to sell the cars. The two agreed that Vargas would pay \$100 per car for 17 cars and Vargas gave List an initial \$700 payment.

Vargas met List at Phelan Recycling a few more times to fill out paperwork for the cars. List signed the name Hagop Dernercessian on the bill of sale for each car. List also made a copy of his California identification card and gave it to Vargas.

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<sup>1</sup> All statutory citations are to the Penal Code unless otherwise indicated.

Over the next few days, Vargas returned to the property to remove cars. On one of those days he saw Casey Devine and co-defendant Irwin at the property. Irwin was taking parts off of some of the cars and collecting scrap metal on the property. Devine demanded Vargas's next payment of \$700 to remove additional cars. Vargas's son called List and List told him that he should pay the next \$700 to Devine.

For the final payment, Vargas met Devine at a bank. When Vargas demanded that Devine provide him with identification, Devine called Irwin who provided her driver's license and signed a receipt for the final payment of \$300.

Dernercessionian owned the cars and the property where the cars were stored with his family. No one resided at the property. Dernercessionian did not know List, Irwin, Devine, or Vargas. He never gave List permission to sell or move the cars. Dernercessionian's father had fallen ill and been admitted to the hospital. While Dernercessionian usually checked on the property with some frequency, he was unable to do so while his father was in the hospital.

The jury convicted List on all counts of grand theft auto and the single count of conspiracy. The jury deadlocked on the misdemeanor petty theft count and a mistrial was declared as to that count. List admitted his four prior convictions.

The court denied List's motion to strike his prior convictions (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497) and sentenced List to the upper term of three years for one count of grand theft auto, which was doubled to six years because of the prior strike conviction. (§§ 1170.12, subd. (a), 667.5, subd. (b).) The court added four one year enhancements for List's four prior prison terms (§ 667.5, subd. (b)) for a total sentence of 10 years. The sentences on the remaining counts were stayed under section 654. List was ordered to pay a \$2000 restitution fine, a \$28 penalty assessment fee, a \$40 court security fee per conviction, and a \$30 immediate and critical needs fine per conviction.

### **DISCUSSION**

We have examined the record and are satisfied that no arguable issues exist as to List's conviction. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Our discussion is limited to clerical errors in the abstract of judgment.

The minute order of judgment reflects that the court security fee (§ 1465.8, subd. (a)(1)) and the immediate and critical needs fine were imposed on 17 counts, although List was convicted of only 16 counts. List's appointed counsel mailed an ex parte motion to correct the abstract of judgment to the Los Angeles Superior Court, but the record does not include a corrected abstract of judgment. We order that the abstract of judgment be amended to reflect the correct fines imposed, unless the trial court has already issued an amended abstract of judgment.

### **DISPOSITION**

The conviction is affirmed. The trial court is ordered to correct the errors in the abstract of judgment to be consistent with our opinion.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.