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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT LEE HALE,

Defendant and Appellant.

2d Crim. No. B270312  
(Super. Ct. No. BA322866)  
(Los Angeles County)

On March 30, 2009, a jury found Robert Lee Hale guilty as follows: home invasion robbery (Pen. Code, § 211<sup>1</sup> [count 12]); kidnapping to commit another crime (§ 209, subd. (b)(1) [count 16]); attempted second degree robbery (§§ 211, 664 [count 17]); second degree robbery (§ 211 [count 19]); grand theft firearm (§ 487, subd. (d)(2) [count 20]); false imprisonment by violence (§ 236 [count 21]); second degree commercial burglary (§ 459 [count 23]); possession of firearm by a felon (former

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise stated.

§ 12021, subd. (a)(1) [count 24]); possession of ammunition by a felon (former § 12316, subd. (b)(1) [count 25]); and possession of a controlled substance (Health & Saf. Code § 11350, subd. (a) [count 26]).

As to count 12, the jury found true firearm and personal use enhancements. (§ 12022.53, subds. (b), (c) & (d).) As to counts 12, 16, 17, 19, 20, 21, 23, 24, 25 and 26 the jury also found true that a principal was armed with a firearm. (§ 12022, subd. (a)(1).) The trial court found true that Hale suffered two serious felony prior convictions (§ 667, subd. (a)(1)) and two prior strikes (§§ 1170.12, subds. (a)-(d); 667, subds. (b)-(i)). The court sentenced Hale to a total term of 330 years to life.

In October 2015, Hale filed a motion in propria persona to vacate his judgment for lack of jurisdiction. He claimed that the trial court lacked jurisdiction because the third amended complaint, charging him with counts 16 through 26, was not subscribed by the complainant as required by section 806.

The trial court denied the motion because it was untimely. Objections to a complaint are too late if made after the preliminary examination and commitment. (*People v. Tibbitts* (1925) 71 Cal.App. 709, 712.) Second, the complaint shows that it was sworn before a deputy district attorney. This meets the requirements of section 806. (*People v. Balthazar* (1961) 197 Cal.App.2d 227, 228.) Third, the validity of a conviction on information does not depend on the regularity of the complaint. (*People v. Dolan* (1892) 96 Cal. 315, 317.) Hale appeals the denial.

We appointed counsel to represent Hale in this appeal. After counsel's examination of the record, she filed a brief raising no issues.

We notified Hale that he had 30 days in which to raise an appeal. He filed a letter brief. Much of the brief is incomprehensible and appears to raise issues far beyond the scope of the order being appealed. Hale cites no authority that provides that the failure of the complainant to subscribe the complaint deprives the court of fundamental jurisdiction. Nor does he distinguish the authorities relied on by the trial court.

We have reviewed the entire record and are satisfied that Hale's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Charlaine F. Olmedo, Judge  
Superior Court County of Los Angeles

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Theresa Osterman Stevenson, under appointment by  
the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.