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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ERNEST HILL,

Defendant and Appellant.

B240127

(Los Angeles County
Super. Ct. No. SA079330)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Antonio Barreto, Jr., Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTS

Ernest Hill was charged with felony possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)), and misdemeanor being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)) in an information dated January 12, 2012. At the preliminary hearing, the People elicited testimony from Culver City police officer Tamara Encina. She testified that she pulled Hill over in a routine traffic stop on October 9, 2011, when she noticed that his right taillight was not operational in violation of Vehicle Code section 24252 and that there was a GPS device attached to his windshield in violation of Vehicle Code section 26708. Hill appeared to be nervous, sweating and under the influence. Encina also noticed a plastic package with a syringe and little pieces of Styrofoam, which was indicative of heroin use, inside the car in plain view.

Hill testified at the preliminary hearing and denied that the car was his. He was merely driving it to bring cigarettes and other things to his friend, who had been admitted to Brotman Medical Center. He testified that Encina immediately asked him to step out of the vehicle and walk to the curb at the time of the stop. When she asked to search his car, he said “no” because it was not his car and he did not know what was in it. He was arrested 35 to 45 minutes later. He was not ticketed for a broken taillight and testified that both brake lights came on when Encina tested the brakes at one point during the stop. Hill also stated that the GPS device did not obstruct his view.

Defense counsel filed a motion to suppress any and all evidence discovered incident to the detention and search of the vehicle as well as any statements made by Hill before, during, and after his arrest. After oral argument, the trial court denied the motion to suppress. Hill thereafter pled no contest to the felony possession count and was placed on formal probation for three years. The trial court further imposed various fines and assessments. The misdemeanor count was dismissed. Hill timely filed his appeal.

DISCUSSION

Hill's appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, setting forth the facts of the case and requesting we review the record on appeal for arguable issues. We notified Hill by letter dated June 25, 2012, of his right to file a brief or letter raising any issues within 30 days. We have received no supplemental briefing from Hill.

We have independently reviewed the record on appeal, and are satisfied that Hill's appointed counsel has fulfilled his duty, and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106.)

DISPOSITION

The judgment is affirmed.

BIGELOW, P. J.

We concur:

FLIER, J.

GRIMES, J.