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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.

JEREMY DEVON MANNING,

Defendant and Appellant.

B285894

(Los Angeles County
Super. Ct. No. VA143806)

APPEAL from a judgment of the Superior Court of Los Angeles County, Roger Ito, Judge. Affirmed.

Peter J. Boldin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Jeremy Devon Manning appeals from the judgment entered following his conviction by a jury of attempted first degree burglary. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. The Incident

On the morning of January 16, 2017 Ingrid Johnson noticed a white car in front of the house of her neighbors, Angel Martinez and his wife. Two males got out of the car, one of whom, later identified as Manning, was wearing a black shirt and pants, red shoes, and a gold chain.¹ Johnson saw the men walk up Martinez's driveway. She called the police because she found the men's behavior suspicious given that Martinez and his wife were not home. Johnson then observed the men jump over the fence into Martinez's backyard. They jumped back over the fence, then drove off in the white vehicle. Johnson told the police the men drove a white Jaguar, and she provided a partial license plate number of 7AK521.

About 10 minutes later Downey Police Department Corporal William Kautz responded to the incident. He was on his way to the residence when he passed a white Jaguar with a license plate number of 7KAT521. Corporal Kautz made a U-turn, and pulled over the vehicle. Manning was the driver, and was wearing black clothing, red shoes, and a gold chain. In a field show up, Johnson identified Manning as one of the men she

¹ Johnson testified two African-American males exited the vehicle. However, the responding officer later testified he received a call there were three African-American males in the vehicle, and pulled over a vehicle with three males inside.

had seen jump over the fence into Martinez's yard. However, she clarified she identified him based on his clothing. After the police contacted him, Martinez returned to his home sometime in the next hour, and found a window screen had been removed from one of his windows. The screen was there that morning when he left his house.

B. *Verdict and Sentencing*

The jury found Manning guilty of attempted first degree residential burglary (Pen. Code, §§ 459, 664). On July 7, 2017 the trial court referred Manning to the Department of Corrections for a diagnostic study pursuant to section 1203.03. Manning waived time, and the trial court continued the sentencing hearing to October 16, 2017. In its study, the Department of Corrections recommended against probation. The trial court denied probation and sentenced Manning to two years in state prison, calculated as half of the middle term of four years. The trial court awarded Manning 208 days of presentence custody credit (104 actual custody credit plus 104 days conduct credit).

Manning filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent Manning on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On September 12, 2018, we advised Manning that he had 30 days in which to submit any contentions or issues he wished us to consider. On November 9, 2018 the

notice was returned by the Wasco State Prison with a notation Manning had been paroled; no forwarding address was provided.²

We have examined the entire record and are satisfied Manning's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed.

FEUER, J.

WE CONCUR:

ZELON, Acting P. J.

SEGAL, J.

² When we appointed appellate counsel for Manning, we directed Manning "to keep the court informed of his/her mailing address at all times. If you move, you MUST notify the clerk of this court immediately; otherwise you may not receive important notices concerning your appeal." Manning has not provided the court with his current mailing address following his release from the Wasco State Prison.