

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

SANDY JAZMIN DAVALOS,

Defendant and Appellant.

B279350

(Los Angeles County  
Super. Ct. No. LA084425)

THE COURT:\*

On October 27, 2016, the trial court held a preliminary hearing in the case against defendant and appellant Sandy Jazmin Davalos. Briefly, the evidence presented at the

---

\* ASHMANN-GERST, Acting P. J., CHAVEZ, J., GOODMAN, J.†

† Retired judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

preliminary hearing established that on October 1, 2016, two Los Angeles County deputy sheriffs saw two persons sleeping in a vehicle parked on Pacific Coast Highway at a time of night when no parking is allowed. Because sleeping in a car on a roadway is a violation of the Malibu Municipal Code, one of the deputies approached the vehicle. The deputy woke defendant, who was asleep in the driver's seat, and she rolled down the car window. He then asked her if the car was hers, and she replied that it was. After defendant rolled down the car window, the deputy smelled marijuana coming from the car. Thus, he asked defendant and the passenger to exit the vehicle, and the deputies searched the vehicle for marijuana. While they did not find pipes, marijuana, or smoking devices in the car, they did find a host of identifications and credit cards that belonged to other persons. Defendant claimed that she was doing taxes for the people whose information she had; the deputies spoke to two persons, who confirmed their identifying information and stated that they did not know defendant and did not give her permission to have their identifying information.

Following the presentation of this evidence, the trial court heard and denied defendant's motion to suppress (Pen. Code, § 1538.5).<sup>1</sup> After the preliminary hearing, the trial court held

---

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

defendant to answer on two counts of violation of section 530.5, subdivision (c)(2) (identifying information theft with a prior).

On November 10, 2016, the Los Angeles County District Attorney filed an information charging defendant with two counts of violating section 530.5, subdivision (c)(2). The information further alleged that she suffered a prior conviction (Health & Saf. Code, § 11378) from February 20, 2013, where she served time in prison (§ 667.5). Defendant pleaded not guilty and denied the special allegation.

On that same date, the trial court heard and denied defendant's motion pursuant to *People v. Marsden* (1970) 2 Cal.3d 118.

On November 17, 2016, defendant filed a written motion to suppress evidence pursuant to section 1538.5, subdivision (i), based upon an alleged illegal search of her car. The trial court denied that motion.

Following the trial court's denial of her motion to suppress, defendant entered a plea of no contest to the two counts alleged against her and admitted the prison prior. She was sentenced to 16 months in county jail pursuant to section 1170, subdivisions (h)(1) and (h)(2). Various fines were imposed.

Defendant's timely appeal ensued.

Counsel was appointed to represent defendant in connection with this appeal. After examination of the record,

counsel filed an “Opening Brief” in which no arguable issues were raised. On March 23, 2017, we advised defendant that she had 30 days within which to personally submit any contentions or issues for us to consider. No response has been received to date.

We have examined the entire record and we are satisfied that defendant’s appellate counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*).) We see no indication of any error by the trial court.

Defendant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment and sentence entered against her in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.