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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

TRAVION FAULKNER,

Defendant and Appellant.

B242133

(Los Angeles County
Super. Ct. No. BA393353)

THE COURT: *

Appellant Travion Faulkner (Faulkner) appeals from the judgment entered following his plea of no contest to second degree robbery in violation of Penal Code section 211.¹ The trial court sentenced Faulkner to the low term of two years in state prison and then doubled the sentence to four years based on Faulkner's admission that had a prior strike pursuant to sections 1170.12, subdivisions (a) through (d) and 667, subdivisions (b) through (i) based on an adjudication under section 211 when he was a juvenile. He received 138 days of actual credit and 20 good time/work time days for a total presentence credit of 158 days.

* DOI TODD, Acting P. J., ASHMANN-GERST, J., CHAVEZ, J.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

Faulkner was accused of robbing a man of a cell phone. Before he pleaded no contest, Faulkner filed a motion to suppress the cell phone as evidence on the theory that it was taken from his pants pocket during an unlawful search. At the hearing, Los Angeles Police Officer Fernando Tenorio testified that on the night of January 26, 2012, he and a partner saw two men fitting the description of suspects given by a victim who had been robbed of a cell phone missing the back cover. Officer Tenorio and his partner approached the suspects and said they were conducting an investigation. Faulkner said, “Okay, go ahead and check me.” Officer Tenorio conducted a pat down search and found a cell phone in Faulkner’s pants pocket. The cell phone was missing the back cover. Defense counsel argued that when Faulkner said “check me,” he did not give consent to a search. The trial court disagreed and denied the motion.

Counsel was appointed to represent Faulkner in connection with this appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On September 24, 2012, we advised Faulkner that he had 30 days within which to personally submit any contentions or issues for us to consider. No response has been received to date.

After reviewing the entire record, we conclude that it provides a factual basis to support the conviction. Testimony given by Officer Tenorio at the hearing on the motion to suppress evidence established that Faulkner consented to being searched and his Fourth Amendment rights were not violated.

We are satisfied that Faulkner’s attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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