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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

WILEY GILL, JR.,

Defendant and Appellant.

B261886

(Los Angeles County Super. Ct.  
No. BA427576)

APPEAL from a judgment of the Superior Court of Los Angeles County, George C. Lomeli, Judge. Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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After denial of his motion to suppress evidence pursuant to Penal Code section 1538.5,<sup>1</sup> defendant and appellant Wiley Gill, Jr., entered into a case settlement agreement in which he pled guilty in count 1 to resisting an executive officer (§ 69) and in count 2 to possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)). Defendant was sentenced to three years eight months in state prison. The trial court dismissed various recidivist allegations on its own motion.

Defendant filed a timely notice of appeal based on the denial of his motion under section 1538.5. This court appointed counsel for minor on appeal. Appointed counsel filed a brief raising no issues, but requesting this court to independently review the record for arguable contentions pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court of his right to file a supplemental brief within 30 days. Defendant has filed a supplemental brief with this court. The brief contains no cogent argument regarding the legality of the search. Various other points raised in the supplemental brief do not relate to issues cognizable on appeal after a guilty plea.

We have completed our independent review of the record. The trial court did not err in denying the section 1538.5 motion.

The trial court resolved the section 1538.5 motion on the basis of the credibility of the witnesses. (*People v. Troyer* (2011) 51 Cal.4th 599, 613 [trial court's findings on factual issues related to a motion to suppress are binding on appeal].) According to the testimony of one of the arresting officers, defendant was stopped while riding a bicycle on the sidewalk at night without a light, a violation of the Vehicle Code. The stop was lawful. (*People v. Brown* (1998) 62 Cal.App.4th 493, 496 [“police officer may legally stop a motorist he suspects of violating the Vehicle Code for the purpose of issuing a citation”].) During that stop, defendant admitted being on parole, meaning he was subject to search and seizure by law enforcement officers. (See *People v. Schmitz* (2102) 55 Cal.4th 909, 915 [all California parolees are subject to search and seizure by law

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

enforcement officers with or without a warrant or probable cause].) The stop and subsequent recovery of contraband therefore did not violate the Fourth Amendment.

The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

TURNER, P. J.

KIRSCHNER, J. \*

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\* Judge of the Los Angeles County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.