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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONEL ALEJANDRO
ROMERO,

Defendant and Appellant.

B270220

(Los Angeles County
Super. Ct. No.BA306670)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Dennis J. Landin, Judge. Affirmed.

Teresa Marie Biagini, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Leonel Romero appeals from the judgment entered following his conviction by jury on one count of first degree residential burglary (Pen. Code, § 459).¹ His counsel filed an opening brief that raised no issues and requested independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On July 15, 2016, we sent defendant a letter informing him of the nature of the brief that had been filed and advising him that he had 30 days to file a supplemental brief setting forth issues he wished this court to consider. We have received no response.

I. Background

On January 7, 2016, an amended information charged defendant with one count of felony first degree residential burglary (§ 459), with a special allegation that he had suffered a prior serious or violent felony (§§ 1170.12, subds. (a)-(d); 667, subds. (a)(1), (b)). Defendant entered a plea of not guilty and denied the special allegation.

At trial, the prosecution presented evidence that on June 7, 2006,² Bertha Carter's home in Los Angeles was burglarized. Carter testified she had locked the doors when she left home that morning at 6:00 a.m. When she returned home around 7:00 p.m., she discovered about \$10,000 in cash missing from her bedroom dresser drawer, as well as some jewelry and a credit card.

Los Angeles Police Detective Juan Rodriguez was assigned as the investigating officer. He began to investigate defendant, Carter's relative, as a potential suspect after Carter mentioned

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

² It is unclear from the record why defendant was not charged until almost ten years after the burglary.

him and fingerprints taken at the scene matched defendant's name and criminal record number. Rodriguez and several other detectives and officers conducted a follow-up visit at defendant's residence on July 27, 2006. As the officers approached the house, Rodriguez saw defendant look out the front door toward them, then shut the door; he then heard running footsteps inside the house. After a brief search, officers from a K-9 unit found defendant hiding under a nearby house.

Rodriguez interviewed defendant in Spanish. Initially, defendant denied involvement in the burglary. Defendant claimed he had only been to Carter's house twice and denied going into her bedroom on either occasion. However, after Rodriguez confronted defendant with evidence of his fingerprints at the scene, defendant admitted he had entered the residence "through the kitchen window by removing the window screen and that he went up to the bedroom and removed the property." Defendant told Rodriguez he only took \$1,300 in cash and some jewelry from a dresser drawer. Forensic expert witnesses testified that a thumbprint matching defendant's left thumb was recovered from a glass bowl on top of the dresser in Carter's bedroom.

Defendant testified in his own defense. He admitted several prior convictions, including a felony charge from May 2006.³ He denied burglarizing Carter's home. Defendant stated he confessed because Rodriguez kept accusing him of committing the robbery and he was "fed up." He also testified that he told

³ In July 2015, Defendant pled no contest to the May 2006 charge for second degree burglary (§ 459). The court granted defendant's motion to omit the details of this conviction at trial, given its similarity to the instant charge.

Rodriguez he entered Carter's house that day through a window in order to "test" Rodriguez, "to see if he was really a good investigator." In contrast to his statements to Rodriguez, defendant testified that he had been in Carter's house on three occasions and in her bedroom twice, including on the day of the burglary. On that day, defendant stated he received a phone call from Carter's nephew, Walter, to pick him up from Carter's house. When defendant arrived, he entered the house through the unlocked front door and then responded to Walter's call to come up to Carter's bedroom. Defendant testified that he had a conversation with Walter in the bedroom and he also touched Carter's dresser.

On rebuttal, the prosecution played portions of the video recording of defendant's interview and offered further testimony from Rodriguez; this evidence contradicted numerous assertions defendant made about the interview during his testimony, including his testimony that he told Rodriguez about his visit with Walter, that he told Rodriguez he entered the home through the door but Rodriguez did not believe him, and that the interview lasted "about two hours."

Rodriguez also replayed portions of the video recording and authenticated the English translation of the interview. Over defense objection, the court then admitted the transcript containing the English translation of the interview, redacted to exclude reference to defendant's prior convictions.

The jury found defendant guilty as charged. Defendant waived his right to a jury trial on the prior conviction allegation and later admitted it. Defendant moved to dismiss his prior strike conviction for the purpose of sentencing pursuant to section 1385 and *People v. Romero* (1996) 13 Cal.4th 497. The

trial court denied the motion and sentenced defendant to 13 years in state prison. Defendant timely appealed.

II. *Wende review*

We have independently reviewed the entire record. We are satisfied that no arguable issues exist and defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal. 4th 106, 123-124.)

The judgment is affirmed.

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COLLINS, J.

We concur:

WILLHITE, Acting P. J.

MANELLA, J.