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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SILVANO RUSSELL,

Defendant and Appellant.

B234594

(Los Angeles County
Super. Ct. No. BA367210)

APPEAL from a judgment of the Superior Court of Los Angeles County.

John S. Fisher, Judge. Affirmed.

Jeffrey S. Kross, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Appellant.

We appointed counsel to represent appellant Silvano Russell in this matter. After examining the record, counsel filed a “*Wende*” brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) We directed appointed counsel to immediately send the record on this appeal and a copy of the opening brief to appellant and notified appellant that within 30 days from the date of the notice he could submit by brief or letter any grounds of appeal, contentions or argument he wished us to consider. We received no response from appellant.

We have examined the entire record and are satisfied that appellant’s attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) We set out below a brief description of the facts and procedural history of the case, the crimes of which the appellant was convicted, and the punishment imposed. (*People v. Kelly* (2006) 40 Cal.4th 106, 110.)

In May 2010, Russell pleaded guilty to violating Health and Safety Code section 11351.5 (possession of cocaine base for sale) and admitted that he was previously convicted of the same offense. Pursuant to a negotiated disposition, the court suspended imposition of sentence for three years, ordered Russell to serve 365 days in county jail, and ordered him to complete a six-month residential drug treatment program upon his release from jail.

At a probation revocation hearing in June 2011, Los Angeles police officer Ronald Kitzmiller testified that he and his partner detained and searched Russell in March of that year. In his jacket they found a “brown green leafy substance resembling marijuana” and “a bindle with several off-white solids resembling cocaine base.” The prosecution produced no other evidence. Russell called no witnesses but argued revocation should be denied because there was no witness to the chain of custody of the substances and no evidence that these substances actually were marijuana and cocaine. Over Russell’s objection, the court continued the hearing to afford the prosecution an opportunity to supply the missing evidence. When the hearing resumed a week later, Russell’s counsel stipulated that the “six off-white solids” that were recovered from Russell’s person “were, in fact, cocaine base.”

The court revoked Russell's probation and sentenced him to seven years in prison on the May 2010 conviction. Russell filed a timely appeal of the order revoking probation.

Russell's stipulation to possession of cocaine base was a sufficient ground for revoking his probation. The record does not reflect why Russell's counsel abandoned her challenges to the chain of custody and the nature of the substances allegedly found in Russell's possession and we express no views thereon.

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, J.

We concur:

MALLANO, P. J.

CHANEY, J.