

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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.

RUDIS EMANUAL SANCHEZ,

Defendant and Appellant.

B292928

(Los Angeles County
Super. Ct. No. SA095735)

THE COURT:

Rudis Emanuel Sanchez appeals the judgment entered following a jury trial in which he was convicted of second degree commercial burglary (Pen. Code,¹ § 459, count 1) and assault with a deadly weapon (§ 245, subd. (a)(1), count 2). The jury acquitted defendant on count 3, carrying an unregistered loaded

¹ Undesignated statutory references are to the Penal Code.

firearm. (§ 25850, subd. (a).) The trial court imposed an aggregate sentence of four years eight months in state prison, consisting of the high term of four years on count 2 plus eight months as one-third the midterm on count 1.²

Defendant appealed the judgment, and we appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record.

FACTUAL AND PROCEDURAL BACKGROUND

Around 4:40 in the morning on May 15, 2017, Susan Davis looked out of her third-floor balcony and saw someone on the roof of the Bob's Market next door. The person appeared to be trying to open the door on the roof of the market. Davis went inside and called 9-1-1. The person was still there when Davis returned to the balcony, and Davis could see he was wearing dark blue clothing and a baseball cap with the brim in the back. While Davis was speaking to the operator from her balcony, the person looked up and threw a crowbar at Davis, shattering the glass sliding door on her balcony. Davis could clearly see his face. When Davis saw him after he had been detained by police, she identified him as the defendant.

Osmani Baeza, a police officer with the Los Angeles Police Department, received a radio call about a crime in progress on the roof of Bob's Market. Shortly after his arrival on the scene Officer Baeza heard glass shatter nearby. He then saw a male in dark clothing whom he identified as defendant begin climbing

² The trial court stated no reasons for its sentencing choices, which represented the maximum possible sentence as requested by the People.

down the side of the building from the market's rooftop. When defendant reached the ground and saw police he ran into the apartment complex next to the market. After the K9 unit arrived police searched the building and apprehended defendant. In a perimeter search of the area to which defendant had had access, police recovered a loaded Smith and Wesson revolver.

After the burglary, the storage unit on the rooftop of the market appeared to have been broken into and there was a hole in the door that had not been there before the incident. But the only item missing from the storage unit was a water bottle.

Following his arrest, defendant was taken to the hospital where he was treated for a strained ankle and bruising. Los Angeles Police Detective Eric Obrecht interviewed defendant at the hospital. Defendant admitted he had scaled a fence and had climbed onto the roof of Bob's Market. He tried to get into the storage unit by prying open the door, but he was unable to get the door open. He reached inside hoping to take cigarettes, but he was only able to get a bottle of water. However, defendant denied any knowledge about either a crowbar or a gun.

DISCUSSION

We observe that the trial court failed to state the reasons for its discretionary sentencing choices as required by section 1170, subdivision (c) and California Rules of Court, rule 4.406(b)(4). However, as our Supreme Court has explained, “[c]laims involving the trial court’s failure to properly make or articulate its discretionary sentencing choices’ are subject to forfeiture” when the defendant fails to object on such grounds below. (*People v. Boyce* (2014) 59 Cal.4th 672, 730–731; *People v. Scott* (1994) 9 Cal.4th 331, 356 [“complaints about the manner in which the trial court exercises its sentencing discretion and

articulates its supporting reasons cannot be raised for the first time on appeal”].) Here, although defendant argued against the maximum sentence before the court pronounced sentence, he failed to object on the ground that the court had failed to articulate its reasons for its sentencing choices. Defendant thus forfeited any challenge to his sentence.

Based on our examination of the entire record, we are satisfied that defendant’s attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

LUI, P.J.

ASHMANN-GERST, J.

CHAVEZ, J.