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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.

JOSEPH M. PETERSON,

Defendant and Appellant.

B242410

(Los Angeles County  
Super. Ct. No. SA075392-02)

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

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Joseph M. Peterson pled no contest to possession of a controlled substance and appeals from the denial of his motion to suppress. Our independent review of the record reveals no arguable issue that would aid Peterson. We affirm the judgment of conviction.

### **FACTUAL AND PROCEDURAL SUMMARY**

Deputy Sheriff Guillermo Loza was on routine patrol at the intersection of Topanga Canyon Boulevard and Lanark Street at 0202 hours on July 1, 2010 when he saw a red Ford F-350 pickup truck speeding southbound on Topanga while straddling the lane lines. He believed the vehicle was traveling 15 miles an hour over the posted limit. He and his partner, Deputy Justin Solomon, initiated a traffic stop of the pickup. Deputy Loza walked up to the passenger side of the pickup. He saw the driver lean down toward the right floorboard area, then suddenly sit back in his seat. The deputy saw a baggy containing a crystallized substance resembling methamphetamine protruding from underneath the plastic driver's side floor mat. The baggy was within arm's reach of the passenger, but the deputy did not see the passenger make any downward movements. Deputy Solomon detained the driver, searched him for narcotics, and placed him in the back seat of the patrol car. Deputy Solomon then took the passenger, appellant, out of the pickup and searched him for narcotics and weapons. Deputy Loza saw Deputy Solomon retrieve a plastic bindle containing a crystallized substance resembling methamphetamine from appellant's right zipper short pocket. The bindle was booked into evidence. Based on the initial observation of a crystallized substance resembling methamphetamine taken from his pocket, appellant was detained and arrested for possession of methamphetamine.

Appellant was charged with possession of methamphetamine in violation of Health and Safety Code section 11377, subdivision (a) and it was alleged that he had served a prior prison term within the meaning of Penal Code section 667.5, subdivision (b). At the preliminary hearing, the court heard and denied appellant's motion to suppress the drugs seized from his pocket. Appellant was held to answer, arraigned, and pled not guilty. He then renewed the motion to suppress, which was denied. Appellant

waived his constitutional rights and pled no contest. He was placed on summary probation under the Proposition 36 alternative sentencing scheme. He filed a timely notice of appeal.

### **DISCUSSION**

We appointed counsel to represent appellant on appeal. Appointed counsel filed an appellate brief raising no issues, but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441–442. We advised appellant that he had 30 days within which to submit by brief or letter any contentions or arguments he wished this court to consider. No response has been received.

We have independently reviewed the record in accordance with *People v. Wende*, *supra*, 25 Cal.3d at pages 441–442, and find no arguable issues that could aid appellant.

### **DISPOSITION**

The judgment is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

SUZUKAWA, J.