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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ISATOU SONKO,

Defendant and Appellant.

B237112

(Los Angeles County
Super. Ct. No. BA376092)

APPEAL from a judgment of the Superior Court of Los Angeles County, Larry P. Fidler, Judge. Affirmed.

Rachel Varnell, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

On February 1, 2011, appellant Isatou Sonko was charged by information with counterfeit of registered marks with a prior. Before trial, appellant moved to bifurcate the trial on prior convictions. Her request was granted.

The jury found appellant guilty of counterfeit of registered marks as to Louis Vuitton and Coach brands. After a bifurcated trial on the prior convictions, the jury found appellant had committed the crimes of counterfeit of a registered mark in violation of Penal Code section 350, subdivision (a)(2) on March 28, 2008, and counterfeit of a registered mark in violation of section 350, subdivision (a)(1) on May 15, 2009. Appellant was sentenced to the upper term of three years to be served in county jail pursuant to section 1170, subdivision (h).

Her appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) raising no issues. Appellant's counsel advised her that she could file her own brief, but appellant has not done so.

STATEMENT OF FACTS

On August 31, 2010, Kris Buckner, an investigator and owner of Investigative Consultants, a company specializing in intellectual property investigations, and Los Angeles Police Officer Randall McCain decided to do a walkthrough of "Santee Alley," located between Santee Street, Maple Avenue, Olympic Boulevard, and 12th Street, in Downtown Los Angeles. The alley is known as a hot bed for the sale of counterfeit merchandise.

As Buckner walked inside one of the buildings on Santee Alley, he stopped at appellant's stall because he knew she had engaged in counterfeit sales in the past. Shortly thereafter, Officer McCain arrived at appellant's stall. Buckner asked appellant if he could search the stall and she said yes. Buckner looked inside a wooden box and found generic handbags, and behind it were numerous black trash bags. Inside these bags, Buckner found purses, wallets and emblems. Emblems are stamped with a trademark logo. On noncounterfeit bags, the emblems are typically attached with rivets, but appellant's emblems had prongs that could be used to affix them to a purse. McCain

used a pole to poke purses on the wall. McCain removed two heavy purses that were on the wall, looked inside and found more emblems.

Buckner told appellant she was not supposed to be selling those handbags. She agreed by admitting she knew the handbags were fake and that she was not supposed to be selling them. Officer McCain then arrested appellant.

Buckner had previously seen appellant at that location about eight to 10 times. On June 27, 2010, when he approached her, he saw she had a couple of counterfeit items on display for sale. He asked if she would voluntarily give up her counterfeit items and she agreed to do so. Appellant surrendered approximately 20 items. Buckner wrote on a piece of paper that appellant agreed to voluntarily surrender the goods and appellant signed it. He then verbally served her with a cease and desist notice.

Officer McCain also had previous contact with appellant. On April 6, 2009, as he was walking the aisle of Santee Alley, he saw women in appellant's stall holding purses that bore Gucci and Coach trademarks. He spoke with the women, notified Investigative Consultants, and detained appellant. He recovered merchandise in appellant's stall that he determined to be counterfeit. At that time, appellant identified herself as Issa Bojang.

On October 15, 2005, appellant was served with a cease and desist order by an investigator with Investigative Consultants for displaying counterfeit watches for sale. She signed an acknowledgement that she was selling counterfeit goods, using the name Fatou Denba.

On January 19, 2006, an investigator with the Los Angeles Bureau of Street Services Investigation and Enforcement Division was investigating Santee Alley and saw appellant at her stall sitting at a table that displayed Coach bags and purses, Louis Vuitton handbags, and some watches. While watching appellant, he saw her sell a watch to someone. The investigator inspected appellant's merchandise, determined it to be counterfeit, and took it for evidence.

On October 31, 2007, another investigator with Investigative Consultants saw appellant displaying Coach fanny packs and wallets at her stall. When the investigator

asked if she was selling the items, appellant answered yes. The investigator gave her a cease and desist notice, and asked appellant if she previously received such a notice. She said she had. The investigator inspected the wallets and determined they were counterfeit. Appellant surrendered the items voluntarily to the investigator.

On November 29, 2007, a Los Angeles County deputy sheriff who was involved in the Santee Alley operation saw appellant standing in front of a display rack that contained purses with Louis Vuitton and Coach emblems. When he asked appellant if she owned them and she said she did, he called Investigative Consultants and read her *Miranda*¹ rights to her. She admitted the items were counterfeit and said she had been given a cease and desist order previously.

After the investigator from Investigative Consultants arrived, he saw appellant in a sheriff's van with other people who had been arrested that day. While in appellant's stall, he examined two Coach handbags and a Dooney & Bourke handbag, all of which he determined were counterfeit. The investigator ultimately retrieved 40 handbags, 63 counterfeit emblems, 8 wallets, 13 coin purses, 1 pair of shoes and a belt from appellant's stall. The brands included Burberry, Chanel, Coach, Dolce & Gabbana, Fendi, Gucci, Louis Vuitton, and Prada. The criminal enforcement manager for Louis Vuitton examined the trademark on the confiscated Louis Vuitton handbags and determined they were counterfeit.

In her defense, appellant testified that on August 31, 2010, she agreed to allow Buckner and Officer McCain to search her stall. Buckner opened a wooden box and brought out a plastic bag. McCain then handcuffed her and asked who was going to close her stall. Eventually, Buckner and McCain locked the stall door and, at appellant's request, gave the key to a woman nearby. Buckner and McCain did not take anything from the stall, and appellant said the first time she saw the allegedly confiscated items was at trial.

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

Appellant denied signing the cease and desist orders from 2005 and 2007. She denied signing the form written by Buckner on June 27, 2010, and denied seeing him on that day. She did not remember being served with an order to stop selling items on the sidewalk in 2006 and denied her signature was on the citation.

PRIOR CONVICTIONS TRIAL

At the bifurcated trial on appellant's prior convictions, a certified copy of a TCIS (Los Angeles Trial Court Information System) printout indicated appellant had been convicted of two counts of Penal Code section 350, subdivision (a)(2) on March 28, 2008. A second certified TCIS printout indicated appellant had been convicted of four counts of section 350, subdivision (a)(1) on May 15, 2009. A Record of Arrests and Prosecutions sheet also reflected the May 15, 2009 convictions.

DISCUSSION

Having reviewed the entire record, we are satisfied that no arguable issues exist and appellant's counsel has fully satisfied her responsibilities under *Wende*. (*Wende*, *supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

We concur:

BIGELOW, P. J.

RUBIN, J.