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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JENNIFER L. DICKERSON,

Defendant and Appellant.

A132391

**(San Mateo County
Super. Ct. No. SC070136A)**

Jennifer Dickerson appeals from a judgment of conviction and sentence imposed after a jury found her guilty of multiple crimes. Her attorney has filed a brief seeking our independent review of the record, pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (see *Anders v. California* (1967) 386 U.S. 738), in order to determine whether there is any arguable issue on appeal. We find no arguable issue and affirm.

I. FACTS AND PROCEDURAL HISTORY

An information charged Dickerson with burglary (Pen. Code, § 460) and theft of a vehicle (Veh. Code, § 10851, subd. (a)). The burglary was alleged to constitute a serious felony under Penal Code section 1192.7, subdivision (c)(18), and was alleged to have been committed while Dickerson was on parole (Pen. Code, § 1203.085, subd. (b)). The information also alleged that Dickerson had five prior felony convictions for purposes of Penal Code section 1203, subdivision (e)(4), a prior conviction within the meaning of Penal Code section 1170.12, subdivision (c)(1), four prior convictions within the meaning of Penal Code section 667.5, subdivision (b), and a prior serious felony conviction for purposes of Penal Code section 667, subdivision (a).

An amended information filed on November 8, 2010, added seven “aka” designations and changed the dates alleged in the original information concerning three of Dickerson’s prior felony convictions.

On November 9, 2010, Dickerson waived her right to a jury trial on her alleged priors and stipulated to bifurcate the trial on the prior conviction allegations. A jury trial commenced on the two criminal counts.

A. Trial Evidence

Dickerson was represented by counsel at the trial. The evidence included the following.

Victims Steve Desedare and Randi Kutnewski lived in a house on Club Drive in San Carlos. Around noon on October 27, 2008, Desedare left the house, leaving the rear sliding door open for the dog to get in and out. Kutnewsky was away on a business trip.

Desedare returned around 5:30 p.m. and discovered that Kutnewsky’s car, a 1995 gold Lexus, was missing from where it had been parked on the driveway. A laptop computer and a key ring containing the keys to the Lexus were missing from inside the house. Desedare found a handwritten note on the front door that read, “Hello I saw your car in the driveway and was wondering if you would consider selling please contact.” Desedare called the San Carlos Police Department, and officers responded to the scene.

The police located Kutnewsky’s Lexus around 3:45 a.m. on October 29, 2008. The vehicle had minor damage to the rear wheel wells. Inside the Lexus was a tow truck driver’s uniform.

Desedare had the vehicle towed to a body shop for repairs. San Carlos Police Detective Jeff McCourtie took over the investigation and, along with another officer, met Desedare at the body shop. The police seized the tow truck driver’s uniform from the vehicle. The uniform bore the name of “D&M Towing.”

Detective McCourtie interviewed the general manager of D&M Towing, Sean Fisher. According to Fisher, the uniform was last assigned to Dickerson, who started working for D&M Towing in June 2008. Dickerson had since stopped working for D&M

Towing, but never turned in any of her uniforms and did not respond to the company's calls seeking their return.

Thomas Medeiros worked with Dickerson at D&M Towing and rented a room to Dickerson for a couple of months beginning in August 2008. Medeiros informed Detective McCourtie that Dickerson had moved out but had left some tow truck uniforms in her former bedroom. McCourtie photographed the uniforms, which were similar to the one left in the Lexus.

Detective McCourtie contacted Dickerson on November 26, 2008. He asked her to provide a handwriting sample with the same words contained in the note found on Desedare's front door. Dickerson complied, and the handwriting sample was analyzed by criminalist Lisa Stenback. McCourtie also obtained documents from Dickerson's employment file at D&M Towing for further comparison to her handwriting exemplar. After comparing Dickerson's handwriting samples to the note found on the victims' door, criminalist Stenback determined that Dickerson's handwriting sample matched the handwriting on the note.

The prosecutor and defense counsel agreed to the jury instructions decided upon by the court.

B. Jury Verdict

On November 16, 2010, the jury reached a verdict, finding Dickerson guilty on count one for first degree burglary (Pen. Code, § 460, subd. (a)) and count two for vehicle theft (Veh. Code, § 10851, subd. (a)).

C. Trial on Prior Convictions

The court took a recess before beginning the bench trial on Dickerson's prior convictions. When court reconvened, Dickerson did not return to the courtroom, and efforts to locate her were unsuccessful. The court ordered her bail forfeited and issued a no-bail bench warrant.

On January 5, 2011, Dickerson was arrested and returned to custody.

On February 23, 2011, Dickerson appeared with counsel for the bifurcated bench trial. Without defense objection, the court found that the serious felony allegation under

Penal Code section 1192.7, subdivision (c)(18) was true. Also without defense objection, the court found true the allegations under Penal Code section 1203.085, subdivision (b), and section 1203, subdivision (e)(4), and found true one prior conviction allegation under Penal Code section 1170.12, subdivision (c), two prior convictions allegations under Penal Code section 667.5, subdivision (b), and one prior conviction allegation under Penal Code section 667, subdivision (a).

D. Sentence

On May 13, 2011, Dickerson was sentenced to an aggregate term of 13 years in state prison, comprised of: the midterm of four years on the count one first degree burglary, doubled pursuant to Penal Code section 1170.12, subdivision (c)(1); plus a consecutive five-year sentence enhancement under Penal Code section 667, subdivision (a). The court imposed and stayed a two-year term on the count two vehicle theft. The court also imposed and stayed a one-year enhancement for each of two prior convictions under section 667.5, subdivision (b). The court granted Dickerson 130 days of actual credits plus 64 days good time and work time credits, for a total of 194 days credit.

The court ordered Dickerson to submit to genetic marking under Penal Code section 296. The court also ordered Dickerson to pay \$600 restitution to Desadare and \$3,335.67 restitution to Kutnewski. In addition, the court imposed a \$200 restitution fine (pursuant to Penal Code section 1202.4) plus a 10 percent collection fee and a \$200 parole revocation fine pursuant to Penal Code section 1202.45 (stayed pending successful completion of parole), and an \$80 court security fee and \$60 criminal conviction assessment. The defense did not object to these terms.

This appeal followed.

II. DISCUSSION

Dickerson's appellate counsel represents in the opening brief in this appeal that he wrote to Dickerson and advised her of the filing of a *Wende* brief and her opportunity to file her own supplemental brief.

Dickerson submitted a request for an extension of time and “Motion for Marsden Hearing,” dated November 23, 2011. We denied the “Motion for Marsden Hearing.” We granted Dickerson an extension to January 17, 2012, to file with the clerk of this court a supplemental brief on the merits of the appeal.

We have not received any supplemental brief from Dickerson.

We find no arguable issues on appeal.

There are no legal issues that require further briefing.

III. DISPOSITION

The judgment is affirmed.

NEEDHAM, J.

We concur.

JONES, P. J.

SIMONS, J.