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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC DANIEL PETTERSON,

Defendant and Appellant.

A133799

(Sonoma County
Super. Ct. No. SCR592766)

A jury found appellant Eric Daniel Petterson guilty of second degree commercial burglary. (Pen. Code, § 459.) His motion to reduce the offense to a misdemeanor under Penal Code section 17, subdivision (b) at sentencing was denied. Imposition of sentence was suspended and appellant was granted probation on certain terms and conditions.

Jonathan Taylor owned a business in the area. On the morning of December 2, 2010, he saw two people looking in the window of the business next to his own. He had previously seen a truck parked in front of the business, but the truck was now gone. He then saw that the truck had backed onto the driveway of the neighbor's business. He saw that the back window of the shop was open and he heard noises coming from inside. Taylor then called the police to report a burglary in progress and provided the police with the license plate number of the truck.

Officer Stebler of the Santa Rosa Police Department responded to the scene. A vehicle associated with the original dispatch was leaving the scene. Appellant was the driver of the truck. He made a spontaneous statement that he had been told "that there was some good stuff inside the business, . . . that he had been clean for some time, and

that he . . . decided that he didn't want to get into any trouble, and that he was leaving.” Appellant was arrested and taken into custody.

Daniel Christian, the owner of the business, was contacted by police. He confirmed that he had not given anyone permission to enter his closed business. He testified that the normally locked and closed interior door was open and that the shades covering the closed back window were “knocked down and bent.” Other items inside had been moved.

Counsel for appellant has filed an opening brief raising no issues and asking this court for an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. He has informed appellant of the opportunity to personally file a supplemental brief, but none has been filed. We have conducted the requested review and conclude that there are no arguable issues.

Appellant was represented throughout the proceedings by counsel. The evidence is sufficient to support the jury's verdict. There was no sentencing error.

Judgment affirmed.

Reardon, J.

We concur:

Ruvolo, P.J.

Sepulveda, J.*

* Retired Associate Justice of the Court of Appeal, First Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.