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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DUANE LEVAR HULL,

Defendant and Appellant.

B231467

(Los Angeles County
Super. Ct. No. TA112864)

THE COURT:*

Defendant and appellant, Duane Levar Hull, appeals from a judgment entered following his conviction by jury of one count of residential burglary, Penal Code section 459.¹ In a bifurcated trial, the trial court found true the special allegations that appellant had suffered two prior serious or violent felony convictions within the meaning of sections 667, subdivisions (b) through (j), and 1170.12, subdivisions (a) through (d). The court also found true that those convictions were prior serious felonies within the meaning of section 667, subdivision (a)(1) and involved prior prison terms under section 667.5, subdivision (b). Pursuant to *People v. Superior Court (Romero)* (1996)

* BOREN, P. J., DOI TODD, J., CHAVEZ, J.

¹ Unless otherwise indicated, all further statutory references are to the Penal Code.

13 Cal.4th 497, the trial court dismissed one of the prior serious or violent felony conviction allegations. Appellant was sentenced to a total term of 22 years, calculated by doubling the upper term on count 1 for 12 years, plus two consecutive five-year terms for the prior convictions alleged pursuant to section 667, subdivision (a)(1). The trial court stayed sentence on the prior convictions under section 667.5, subdivision (b). Appellant received 262 days of custody credit and was ordered to pay statutory fees and fines.

Before trial, the trial court conducted an in camera hearing and thereafter denied appellants' motion for discovery brought pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).

Appellant timely filed a notice of appeal, and we appointed counsel to represent him on this appeal. After examination of the record, counsel filed an opening brief which contained an acknowledgement that he had been unable to find any arguable issues. On October 7, 2011, we advised appellant that he had 30 days within which to personally submit by brief or letter any contentions or arguments that he wished us to consider. No response has been received to date.

Appellant was arrested on June 20, 2010. Sometime between 11:00 a.m. and 1:00 p.m. that day, Linda Craig left her apartment, locking the front and back doors. Starting at 8:00 p.m. that day, Los Angeles Police Department Officers Lisa Forsberg and Brian Rivas were on foot patrol at Craig's apartment complex. They observed appellant walking from south to north along the west side of the building and, after looking around in a nervous manner, he entered Craig's apartment. Officer Rivas approached the rear door of the apartment and for the next four to five minutes observed appellant as he grabbed several items and put them into his backpack in an urgent manner. Appellant then exited the apartment's rear door, but uttered an expletive and ran back inside when he saw Officer Rivas. Appellant then threw the backpack down and ran out of the apartment; officers detained him after a brief chase.

When Craig arrived home between 9:00 and 11:00 p.m. that evening, officers were inside her apartment, which appeared ransacked. A cell phone, PlayStation and some

candy were missing. Craig did not know appellant and had not given him permission to enter her apartment or take her things.

We have examined the entire record, including the in camera hearing on the *Pitches* motion, and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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