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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID SOLIS,

Defendant and Appellant.

B234934

(Los Angeles County
Super. Ct. No. BA382263)

APPEAL from a judgment of the Superior Court of Los Angeles County.

George G. Lomeli, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant David Solis appeals his conviction, following a jury trial, of one count of carrying a dirk or dagger in violation of Penal Code¹ section 12020, subdivision (a)(4). It was also alleged, and found true, that appellant had previously been convicted of a serious or violent felony within the meaning of the "Three Strikes" Law (§§ 667, subs. (b)-(i), 1170.12, subs. (a)-(d)), and had served a prior prison term as set forth in section 667.5, subdivision (b). Appellant was sentenced to a five-year prison term, consisting of the two-year mid-term, doubled, plus one additional year pursuant to section 667.5, subdivision (b). Appellant was awarded 246 days of custody credits.

Appellant timely filed a notice of appeal. We appointed counsel to represent him on this appeal. Finding no error, we affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

On March 18, 2011, around 11:20 p.m., Los Angeles County Police Officers were driving north on Valencia Boulevard near 11th place when they saw appellant in the middle of the street, walking towards their car. Officer Espinoza got out of the car and addressed appellant, asking him if he had any drugs or weapons on him. Appellant responded in the negative. The officer conducted a pat-down search of appellant after he stated that he was on parole. Officer Espinoza was poked by a sharp object located in the front pouch/pocket of appellant's sweatshirt. After hand-cuffing appellant, Officer Espinoza removed the sharp object from the pocket of the sweatshirt, and learned that it was an opened pocket knife with a four-inch blade. In his defense, appellant speculated that the knife must have opened as a consequence of the officer's search, since he did not recall putting the open knife in his pocket.

After examination of the record, appellant's counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested that this court conduct an independent review of the entire appellate record to determine whether any arguable issues exist. On February 14, 2012, we advised appellant that he had 30 days in which to

¹ All further statutory references are to the Penal Code unless otherwise indicated.

personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorneys have fully complied with their responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

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ARMSTRONG, J.

We concur:

TURNER, P. J.

KRIEGLER, J.