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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL BETTON,

Defendant and Appellant.

2d Crim. No. B236425
(Super. Ct. No. SA077164)
(Los Angeles County)

Michael Betton appeals a judgment after conviction by jury for petty theft with a prior. (Pen. Code, § 666, subd. (b).)¹ Betton admitted that he suffered one prior prison term and one prior strike conviction. (§§ 667.5, subd. (b), 1170.12, subd. (a)-(d), 667, subd. (b)-(i).) The trial court sentenced Betton to five years in state prison. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A police officer drove through an alley at about 2:00 a.m. and saw Betton holding a backpack. As the officer approached, Betton looked in his direction and dropped the backpack. Then Betton urinated on a wall.

The officer searched Betton. He found a pair of black gloves, a box cutter, an "unknown tool," a wallet, a woman's watch, and about \$5 in coins. In the backpack, the officer found sports equipment, a \$20 bill, and a document with Shane Warwick's name on it.

¹ All statutory references are to the Penal Code.

Shane Warwick lived about a block and a half away. An officer visited him. Warwick's car had been ransacked. His backpack was missing from it. The "dome light" was on, CD's were scattered through the car, and the center console was open. Between \$10 and \$12 in coins were missing from the console. There was no sign of forced entry. Warwick had parked his car in front of his house at about 4:00 p.m. the prior afternoon. It was his habit to lock his car and he "assum[ed]" he had done so then. Warwick identified the backpack and its contents as his. He said the coins "[l]ooke[ed]" to be the change that was in the center console that was missing."

Betton was charged with petty theft with a prior or felony receipt of stolen property. (§§ 666, subd. (b), 496, subd. (a).) He admitted two prior theft convictions for purposes of proving the first charge. The jury returned a guilty verdict on the petty theft charge. The trial court directed a verdict of not guilty on the alternative charge.

DISCUSSION

Betton contends there is insufficient evidence of theft. (*People v. Moore* (2011) 51 Cal.4th 1104, 1130 [possession of recently stolen property alone is not sufficient to prove theft].)

In reviewing the sufficiency of evidence to support a conviction, we examine the entire record and draw all reasonable inferences therefrom in favor of the judgment to determine whether there is reasonable and credible evidence from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. (*People v. Streeter* (2012) 54 Cal.4th 205, 241.) We must accept all logical inferences the jury may have drawn from the evidence. (*Ibid.*) Circumstantial evidence may be sufficient to connect a defendant to a crime and may prove his guilt beyond a reasonable doubt. (*People v. Abilez* (2007) 41 Cal.4th 472, 504.) But the evidence must do more than raise a strong suspicion of guilt. (*People v. Redmond* (1969) 71 Cal.2d 745, 755.)

Sufficient evidence and reasonable inferences establish that Betton took the backpack from Warwick's car with intent to permanently deprive Warwick of it. (*People v. Davis* (1998) 19 Cal.4th 301, 307.) Betton acknowledges that he possessed recently stolen property. He points out that before guilt may be inferred from possession of recently stolen

property, there must be corroborating evidence. (*People v. Moore, supra*, 51 Cal.4th at p. 1130; CALCRIM No. 376.) But that evidence need only be slight, and need not by itself be sufficient to warrant an inference of guilt. (*Ibid.*) Betton was one and a half blocks away from the place where the backpack was stolen at 2:00 a.m. on the night it was stolen, and he lived in another city. He was carrying black gloves, a box cutter, and another tool. He had a large quantity of loose change. A large quantity of loose change was missing from Warwick's car. Betton demonstrated a consciousness of guilt when he dropped the backpack as the police officer approached in a marked car.

Betton argues that the box cutter and gloves are insignificant without evidence of the means by which the thief entered Warwick's car. But they are instruments commonly associated with theft from which the jury was entitled to draw inferences and the gloves were reasonably adapted to forced or unforced entry. Betton argues there was no evidence he was aware of an officer was approaching when he dropped the backpack. But the officer testified that he was in a marked police car, and that Betton looked directly at him immediately before dropping the backpack. We will not reweigh the officer's credibility. (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.)

DISPOSITION

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

H. Chester Horn, Jr., Judge
Superior Court County of Los Angeles

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