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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.

MICHAEL THERON GREEN,

Defendant and Appellant.

B240652

(Los Angeles County  
Super. Ct. No. TA116165)

THE COURT:\*

Appellant Michael Theron Green appeals from a judgment entered following his guilty plea to one count of petty theft with three priors in violation of Penal Code section 666, subdivision (a), a felony. The information alleged, and appellant admitted, that he had served 17 prior prison terms. Appellant was offered either a three-year prison term or three years of probation, with the stipulation that if he violated his probation he would be sentenced to the maximum term of 20 years (three years for the high term plus one year for each prior prison term). Appellant selected the suspended sentence with three years of formal probation. As part of his probation, the court ordered appellant to continue attending the counseling program Kleptomaniacs and Shoplifters Anonymous

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\* DOI TODD, Acting, P. J., ASHMANN-GERST, J., CHAVEZ, J.

(KASA) for one year and to attend status hearings on his progress. Appellant was ordered to pay a fine and various fees, and received one day of presentence credit.

The court subsequently found that appellant had violated the terms of his probation by failing to appear at a designated hearing for a progress report. The parties agreed that appellant had actually served only 11 prior prison terms. The court sentenced him to county jail for a total of 14 years, consisting of the high term of three years plus 11 years for his prior prison terms. The court denied appellant's oral motion to withdraw his plea, which was not supported by any declaration. Appellant received 227 days of presentence credit, consisting of 114 days of actual credit and 113 days of good time/work time credit.<sup>1</sup> Appellant filed this appeal after the trial court signed a certificate of probable cause.

We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an "Opening Brief" in which no arguable issues were raised. On November 9, 2011, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

The record contains the following evidence: On December 23, 2010, Gabriel Aparicio was working at a Sears department store when he saw appellant on a video monitor enter the store. Appellant walked to the jewelry department, picked up a watch, concealed it in his jacket pocket, then walked past four manned cash registers and left the store without paying for the watch. Aparicio left his station at the monitor and about 30 seconds later saw appellant on the sidewalk outside the store. Aparicio testified that appellant had a receipt for a watch, which indicated the amount of \$32.91 had been tendered. Aparicio described it as a "training receipt," which is created by a store

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<sup>1</sup> Appellant's counsel informed us that she wrote to the trial court asking it to award appellant 228 days of credit, on the ground that the one day of credit he previously received should have also applied to the good time/work time credit instead of just the total credit. Counsel has forwarded to us a copy of the trial court's nunc pro tunc order giving appellant 228 days of credit.

manager when stolen merchandise is returned. This receipt contains the exact price of the stolen item so that the amount can be put in a report of the incident.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist on appeal. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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