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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT ELLIS FOSTER,

Defendant and Appellant.

B257228

(Los Angeles County  
Super. Ct. No. LA076219)

APPEAL from a judgment of the Superior Court of Los Angeles County. Thomas Rubinson, Judge. Affirmed.

Daniel R. McCarthy, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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A jury convicted Robert Ellis Foster of possessing cocaine base. The trial court placed defendant on formal probation pursuant to Proposition 36. Defendant's conviction stemmed from a December 7, 2013 incident in which he discarded a "rock" containing cocaine base after Los Angeles Police Department officers conducted a traffic stop on a car defendant was driving and directed defendant to get out of the car. The

court subsequently found defendant eligible for relief pursuant to Penal Code section 1170.18 (Proposition 47), declared defendant's conviction to be a misdemeanor, and converted his probation to summary probation.

Defendant filed a timely appeal. We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record, including the record of the trial court's in camera review with respect to defendant's motion to discover peace officer personnel records pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. On January 23, 2015, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, we have received no response.

We have examined the entire record, including the trial court's *Pitchess* review and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

#### **DISPOSITION**

The judgment is affirmed.

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BENDIX, J.\*

We concur:

ROTHSCHILD, P. J.

CHANNEY, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.