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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANCIS DELOSE PAYSEUR,

Defendant and Appellant.

E054619

(Super.Ct.Nos. RIF1100968 &  
RIF1102689)

OPINION

APPEAL from the Superior Court of Riverside County. Raymond C. Youngquist, Judge. (Retired judge of the San Bernardino Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed with directions.

John L. Dodd, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Francis Delose Payseur appeals from guilty pleas in two matters, case Nos. RIF1100968 and RIF1102689. Pursuant to a plea agreement, defendant pled guilty to certain charges and admitted some of the enhancement

allegations in both cases as set forth, *post*, with a promised aggregate seven-year sentence. He was then sentenced to a total term of four years in case No. RIF1102689 and three years in case No. RIF1100968 with credit for time served. Defendant appeals from both judgments. We affirm the judgments.

## FACTUAL AND PROCEDURAL BACKGROUND<sup>1</sup>

### A. *Case No. RIF1100968*

On December 27, 2010, following a valid vehicle stop around 2:55 a.m., officers discovered the Honda Prelude defendant was driving was reported stolen. Defendant was subsequently arrested. A search of the vehicle revealed several burglar tools, several keys belonging to different vehicles, and a bank debit card not belonging to defendant.

On May 18, 2011, an amended felony complaint was filed charging defendant with unlawfully taking or driving a Honda Prelude (Veh. Code, § 10851, subd. (a)) after having been convicted of a prior vehicle theft (Pen. Code, § 666.5, subd. (a), count 1); unlawfully buying or receiving that same vehicle (Pen. Code, § 496d, subd. (a)) after having been convicted of a prior (Pen. Code, § 666.5, subd. (a), count 2); and possession of burglary tools (Pen. Code, § 466, count 3). The amended complaint further alleged that defendant had suffered a prior prison term (Pen. Code, § 667.5, subd. (b)) and a prior serious and violent felony conviction (strike conviction) (Pen. Code, §§ 667, subds. (c), (e)(1), 1170.12, subd. (c)(1)).

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<sup>1</sup> The factual background is taken from the probation officer's reports.

B. *Case No. RIF1102689*

On June 1, 2011, police were dispatched to an area on Hendry Avenue following a report of a suspicious van driving slowly around the neighborhood. Police officers found defendant in the suspect vehicle attempting to hide from them. Further investigation revealed the van was stolen. Defendant was subsequently arrested for buying or receiving a stolen vehicle.

On June 6, 2011, a felony complaint was filed charging defendant with unlawfully taking or driving a Ford Aerostar (Veh. Code, § 10851, subd. (a)) after having been convicted of a prior vehicle theft (Pen. Code, § 666.5, subd. (a), count 1) and unlawfully buying or receiving that same vehicle (Pen. Code, § 496d, subd. (a)) after having been convicted of a prior (Pen. Code, § 666.5, subd. (a), count 2). The complaint further alleged that defendant committed the above offenses while released from custody prior to judgment becoming final in case No. RIF1100968. (Pen. Code, § 12022.1.) The complaint also alleged that defendant had suffered a prior prison term (Pen. Code, § 667.5, subd. (b)) and a prior strike conviction (Pen. Code, §§ 667, subds. (c), (e)(1), 1170.12, subd. (c)(1)).

C. *Guilty Pleas*

On September 1, 2011, pursuant to a plea agreement in case No. RIF1102689, defendant pled guilty to count 1 and admitted that he had suffered a prior strike

conviction.<sup>2</sup> In case No. RIF1100968, defendant pled guilty to count 1, and he admitted that he had suffered a prior prison term and prior strike conviction. In return, defendant was promised an aggregate seven-year sentence with credit for time served.

Defendant was immediately sentenced to four years in state prison with credit for time served in case No. RIF1102689 and a consecutive term of three years with credit for time served in case No. RIF1100968.

On October 20, 2011, defendant filed amended notices of appeal in both cases based on the sentence or other matters occurring after the plea, as well as challenging the validity of the pleas or admissions. He also requested certificates of probable cause in both cases. The trial court granted his requests on October 24, 2011.

#### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

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<sup>2</sup> In return, the remaining counts and enhancement allegations were dismissed. However, the trial court's September 1, 2011 minute order in case No. RIF1102689 omits the dismissal of the Penal Code section 12022.1 allegation. We will, therefore, order the trial court to amend the minute order accordingly.

DISPOSITION

The trial court is directed to amend the September 1, 2011 minute order in case No. RIF1102689 as indicated in footnote 2. In all other respects, the judgments in both cases are affirmed.

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RAMIREZ  
P. J.

We concur:

KING  
J.

CODRINGTON  
J.