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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.

LARRY LOUIS JUDGE,

Defendant and Appellant.

E054750

(Super.Ct.No. FSB1102390)

OPINION

APPEAL from the Superior Court of San Bernardino County. Michael M. Dest,
Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

INTRODUCTION

On May 26, 2011, a complaint alleged that defendant and appellant Larry Louis Judge received stolen property in violation of Penal Code¹ section 496, subdivision (a) (count 1). The complaint also alleged that defendant had served a prior prison term within the meaning of section 667.5, subdivision (b). On June 7, 2011, defendant waived his right to assistance of counsel and elected to represent himself. On June 9, 2011, defendant pled no contest to count 1 and admitted the prior prison term enhancement, in exchange for a sentence of four years in state prison. Defendant executed a waiver under *People v. Vargas* (1990) 223 Cal.App.3d 1107; it provided that defendant would be sentenced to 16 months in state prison if he returned for the sentencing hearing. The parties stipulated that the complaint and police reports provided a factual basis for the no-contest plea.

At the sentencing hearing on August 25, 2011, the trial court sentenced defendant to the low term of 16 months in state prison. The court awarded 17 days of actual credit and 17 days of conduct credit. Defendant was ordered to pay a restitution fine of \$200; a parole revocation fine in the same amount was stayed. Defendant was also ordered to pay a criminal assessment and security fee of \$70.

On October 14, 2011, defendant filed a timely notice of appeal.

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

STATEMENT OF FACTS

On May 23, 2011, defendant was a patron at San Manuel Casino. While there, defendant observed a woman who was playing a slot machine; she put her wallet on the chair next to her. When finished, the woman left the area and left her wallet. Defendant walked over to where she was seated and sat down. Defendant picked up the wallet and placed it in his left pocket. He then stood up and walked to another area of the casino. Several witnesses approached defendant to tell him who the rightful owner of the wallet was. Defendant continued to walk away and ignored the witnesses.

ANALYSIS

After 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 undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, and he has done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error.

In his five-page handwritten supplemental brief, defendant essentially argues that the verdict is not supported by substantial evidence because there was no evidence that he took the wallet, and the wallet may have been abandoned. Defendant, however, waived such evidentiary assertions by pleading guilty. (*People v. Hunter* (2002) 100 Cal.App.4th

37, 42.) As provided above, defendant pled no contest to receiving stolen property. The court informed defendant that pleading no contest “does mean the same thing as a guilty plea.”

We have now concluded our independent review of the record and found no arguable issues.

DISPOSITION

The judgment is affirmed.

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MCKINSTER
Acting P. J.

We concur:

MILLER
J.

CODRINGTON
J.