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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.

JOSEPH ANDRE VERSKA,

Defendant and Appellant.

E055855

(Super.Ct.No. RIF1104414)

O P I N I O N

APPEAL from the Superior Court of Riverside County. Michael B. Donner,
Judge. Affirmed in part and reversed in part.

Paul Stubb, Jr., under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney
General, Julie L. Garland, Assistant Attorney General, and Peter Quon, Jr. and Anthony
Da Silva, Deputy Attorneys General, for Plaintiff and Respondent.

I. INTRODUCTION

A jury found defendant Joseph Andre Verska guilty of two counts of receiving stolen property, a motorized construction vehicle or golf cart (count 2) and trailer (count 4). (Pen. Code, § 496d, subd. (a).)¹ Defendant was sentenced to two years in jail on count 2, one year in jail and one year of supervised release, and the trial court stayed sentence on count 4. (§ 654.)

Defendant claims and the People concede that defendant committed only one act or offense of receiving stolen property when he received the golf cart and trailer together on the same occasion. We agree and reverse defendant's conviction and sentence on count 4 for receiving the stolen trailer. We affirm the judgment in all other respects.

II. BACKGROUND

The Riverside Auto Theft Interdiction Detail (RAID) is a multiagency task force that combats automobile theft. To catch automobile thieves, RAID utilizes "bait" in the form of rental equipment—including golf carts and trailers that can be towed by a pickup truck—and tracks the equipment with a global positioning system (GPS).

On August 11, 2011, Riverside Police Detective Matthew Lewis, who was assigned to the RAID task force, placed a golf cart inside a trailer, and placed them both near the busy intersection of Orange and Center Streets in Riverside. The next day, the detective received a call telling him the "bait" was moving. The golf cart and trailer were tracked by GPS and located inside a red container in a storage yard belonging to

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

defendant's father. A witness, Jose Ponce, saw defendant use a skip loader to place the golf cart and trailer inside the red container. Defendant's father had not previously seen the golf cart or trailer on his property.

Defendant was charged with two counts of receiving stolen property, the golf cart and trailer (Pen. Code, § 496d, subd. (a)), and two counts of vehicle theft, the golf cart and trailer (Veh. Code, § 10851, subd. (a)). A jury found defendant guilty of receiving the stolen golf cart and trailer, but not guilty of their theft.

III. DISCUSSION

The receipt, on a single occasion, of two or more stolen goods amounts to a single offense of receiving stolen property. (*People v. Lyons* (1958) 50 Cal.2d 245, 275; *People v. Smith* (1945) 26 Cal.2d 854, 859; *People v. Mitchell* (2008) 164 Cal.App.4th 442, 461-462; *People v. Marquez* (2000) 78 Cal.App.4th 1302, 1309.) The record here shows defendant received the golf cart and trailer at his father's storage yard together and on a single occasion on August 12, 2011. The golf cart and trailer were placed together as "bait" near a Riverside intersection, were reported moving together, and were tracked by GPS to the red container in defendant's father's storage yard. A witness observed defendant placing the golf cart and trailer inside the red container. Thus, as the People concede, the record supports only one conviction for receiving stolen property, not two.²

² In light of our conclusion that the conviction in count 4 must be reversed, it is unnecessary to address defendant's alternative argument for reversing the conviction based on sections 1163 and 1164 and *People v. Bento* (1998) 65 Cal.App.4th 179, 188.

IV. DISPOSITION

Defendant's conviction in count 4 for receiving the stolen trailer is reversed and his sentence on count 4 is stricken. The judgment is affirmed in all other respects.

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KING
J.

We concur:

HOLLENHORST
Acting P. J.

MILLER
J.