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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ANTHONY GOLIGHTLY,

Defendant and Appellant.

G053271

(Super. Ct. No. 13NF2911)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Glenda Sanders, Judge. Affirmed.

William Anthony Golightly, in pro. per.; Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

Defendant William Anthony Golightly was charged with three counts of first degree residential burglary. On February 2, 2016, a jury convicted him of committing all three charged counts. Defendant waived his right to a jury trial on the charged priors, and following the trial court's advisement of his rights, defendant admitted the truth of the priors. Defense counsel joined in defendant's waivers and admissions. Thereafter, the court sentenced defendant to eight years and eight months in state prison.

Prior to trial, defendant made a number of motions. On June 26, 2014, defendant asked the court to order that he could represent himself, but after the court spoke with him, he withdrew that request and decided to continue to be represented by counsel. Three times defendant asked for *Marsden* hearings.¹ After conducting lengthy hearings, the court denied the motions.

In a series of motions, defense counsel unsuccessfully sought the court's permission to argue that because many years ago one of the arresting police officers turned off a digital recorder during an arrest in an unrelated matter, which was contrary to policy, the officer therefore planted evidence in the present case. On May 15, 2014, defense counsel filed a motion for the peace officer's personnel records. The court denied the motion. At another hearing, this time in open court, defense counsel requested the court "find good cause to grant an in-camera review regarding the planting of evidence." The court denied the request. On January 29, 2016, defense counsel filed a motion in limine seeking admissibility of a police internal investigation to impeach the same officer. After conducting a lengthy hearing, the court denied the motion. However, the court permitted defense counsel to question the officer outside the presence of the jury pursuant to Evidence Code section 402. The officer did not testify before the jury.

¹ Under *People v. Marsden* (1970) 2 Cal.3d 118, a criminal defendant may request appointed counsel ordered replaced by other counsel.

Burglary No. 1

On December 14, 2012, officers from the Los Angeles Police Department were surveilling defendant, even when defendant was inside Orange County. Six undercover officers were involved in following defendant. Defendant was driving a car and “picked up a female.” At some point, detectives followed a car driven by a woman, in which defendant was the front seat passenger, into San Clemente. Somewhere in San Clemente, officers lost sight of the car. The vehicle was spotted driving away from a residence, and detectives checked the residence on Corte Lomas Verdes Street. A window screen had been removed and a window was broken at the house. There were pry marks on the back door and the locking mechanism to the door had been removed. There was also a red smudge on the door that looked like blood. A detective looked through the broken window and observed the home had been ransacked. Other blood smudges were found inside and outside the home. At trial, a forensic scientist testified defendant’s DNA could not be excluded as a match for the DNA in the blood found in and around the home.

When defendant was detained by police, two bags containing jewelry and coins were found in the front passenger area of the car. Defendant had a cut finger, and the skin was broken and appeared to have bled.

One of the residents of the home testified she returned home between 11:30 a.m., and noon when a neighbor telephoned her to say her home had been broken into. Jewelry and coins had been taken from her home, items she had identified to the police when she was shown the contents of the plastic bags found next to defendant.

Burglary Nos. 2 and 3

At about 6:45 p.m., on August 22, 2013, the Orange County Sheriff’s Department were dispatched to a home on Vista Del Amigo, in Yorba Linda. The

homeowner was called by her mother, who was living with her at the time. When the homeowner got home from work, the police were there, and “[e]verything was exactly as it was when I left except for my bedroom. The master bedroom was trashed.” Costume jewelry, hundreds of pieces which the victim had collected since she was a teenager and valued at \$40,000, was missing.

Found underneath a bush on Via Brumusa, in Yorba Linda, was a black latex glove and a bag containing items of jewelry. The victim who was missing her costume jewelry was shown the bag of jewelry, which she identified as belonging to her.

The mother, who lived with her daughter, left that morning in time to be at the Brea Mall by 10:00 a.m. She was gone for about two hours, and when she returned, she “couldn’t get into the house. There were cop cars, and police, and a helicopter overhead.” She was told: “You can’t go in the house. It’s been robbed.”

Another homeowner who lives on the same street, came home from work at about 5:00 p.m., and found that someone had been in the home. The police found the side garage door had been forced open, “the door jam was broken and the wood was splintered.”

Police took the homeowner to a car parked on the street, a few houses away. The homeowner looked inside the tinted windows and saw some foreign currency, a gold necklace, and key chain that looked like items that had been inside her home.

The police surveilled the parked vehicle. About 11:30 a.m., a black car was observed driving nearby. Around midnight, the officer in a marked police car on the next street over, changed locations. Approximately two hours later, at about 2:35 a.m., the black car was again observed near the parked car. When the door to the parked car opened, and the black car began moving, police moved in. The person driving the car that had been parked was shoving things under the seat as officers approached. In the

center console of the car that had been parked was a piece of paper from the superior court with defendant's name on it, and a walking boot was on the backseat. Inside the black car were two males. Defendant was the passenger.

At trial, a neighbor said he observed defendant walking along Vista Del Amigo at about 9:00 a.m., on the morning of the burglary. Defendant was wearing "a walking cast type thing." He assumed defendant was the son of some neighbors up the street, and chatted with him briefly.

That same day, another Yorba Linda resident who lives on Via Brumusa, the street where the bag of jewelry was found under a bush, reported to the Orange County Sheriff's Department that she was in her backyard when she heard some noise, "like somebody like dropped something." As she was walking to "take a look," she saw someone running. He went through her backyard. She said that "something wrong [sic] with his foot." A crowbar was found in the yard. A forensic scientist later testified that the DNA found on the crowbar was consistent with the DNA found earlier at the San Clemente burglary.

We appointed counsel to represent defendant on appeal. Counsel filed a brief that provided the facts of the case. Counsel did not argue against his client, but advised the court he found no issues to argue on his behalf. We gave defendant 30 days to file a written argument on his own behalf. He sent us a 13-page written statement with attachments. We have reviewed attached documents and the statement, to the extent possible, although portions of it are illegible.

We have reviewed the record in accordance with our obligations under *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. State of California* (1967) 386 U.S. 738, and the information provided by counsel. We found no error and no arguable issues

on appeal. The judgment is affirmed.

MOORE, ACTING P. J.

WE CONCUR:

ARONSON, J.

FYBEL, J.