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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ORESTE J. OJEDA,

Defendant and Appellant.

B237199

(Los Angeles County  
Super. Ct. No. BA 364388)

APPEAL from a judgment of the Superior Court of Los Angeles County, Norm Shapiro, Judge. Affirmed.

John Alan Cohan, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

\* \* \* \* \*

Oreste J. Ojeda appeals from a judgment of conviction after a jury found him guilty of carjacking and felony evading an officer. The jury also found true that appellant had personally used a firearm. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting that this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

### **FACTUAL BACKGROUND**

On November 7, 2009, at approximately 6:00 a.m., Maria Real was in the driveway of her residence on Wilbur Place in Montebello. Ms. Real made her living by selling clothing at a swap meet, and that morning she was packing merchandise into her truck. She noticed a car do a U-turn and stop in the middle of the street. She was putting the last bag of merchandise in her truck on the passenger side when she heard footsteps and turned around. She saw two men with masks covering their faces, except for their eyes. One came up to within a foot of her and pointed a gun at her midsection. The second man stood behind the first man and also had a gun in his hand, though he was not pointing it at her.

The man pointing the gun at Real demanded her keys and cell phone. She told him the keys were in the ignition and the truck was running. The man grabbed her arm and pulled her toward the front of the truck. Real broke free and ran around the back of the truck and into her house. The man got into the truck on the driver's side and drove the truck away. Real's husband, Sotero Salgado, was further down the driveway behind his wife when he heard a male's voice yelling, and he looked to see a man in all black with a mask yelling at his wife. He ran inside the house with Real. She told Salgado that the men were stealing their truck. Salgado called 911, and then he and his brother-in-law took another car and followed the truck.

Salgado followed the truck on the streets and onto the 605 freeway. He stayed on the phone with the 911 operator during the pursuit and gave the operator the license plate number of the truck. Salgado followed the truck onto the 60 freeway. Eventually a

police car caught up to them on the 60 freeway, and officers took over the pursuit from there.

Officer Craig Adams was the first officer to locate the stolen truck, with Salgado and his brother-in-law following it, on the 60 freeway. Several other police cars caught up with Officer Adams, and they all turned on their lights and sirens and began following the stolen truck. The stolen truck exited the freeway. It ran through several stop signs on the city streets and hit several parked cars with the officers still in pursuit. At the crest of a hill the truck stopped. The two occupants of the truck complied with the officers' order to exit the truck, and the officers took them into custody. Appellant came out from the driver's seat of the truck.

Approximately 45 minutes to an hour after the men stole the truck, police officers took Real to a location in Monterey Park where they had detained the suspects. Once there, she identified the two men who stole the truck from their body shape and clothing.

### **PROCEDURAL BACKGROUND**

The jury found appellant guilty of carjacking (Pen. Code, § 215, subd. (a)) and of evading an officer in willfull or wanton disregard for the safety of persons or property (Veh. Code, § 2800.2, subd. (a)). It also found true that, in the commission of carjacking, appellant personally used a firearm within the meaning of Penal Code section 12022.53, subdivision (b). The court sentenced appellant to a total of 15 years eight months in state prison, consisting of five years for carjacking, eight months for evading an officer, and 10 years for the firearm enhancement. Appellant timely appealed.

### **DISCUSSION**

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On May 10, 2012, we advised appellant that he had 30 days within which to submit any contentions or issues that he wished us to consider. Appellant did not file a supplement brief.

We have examined the entire record, including the sealed transcripts of the *Pitchess*<sup>1</sup> hearing in this matter. We are satisfied that no arguable issues exist and that appellant's counsel has fully satisfied his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see also *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

**DISPOSITION**

The judgment is affirmed.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.

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<sup>1</sup> *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.