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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY VERNELL FARMER,

Defendant and Appellant.

B233827

(Los Angeles County  
Super. Ct. No. YA071789)

THE COURT:\*

Defendant Gregory Vernell Farmer appeals his judgment of conviction of two counts of second degree robbery. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On March 19, 2012, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

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\* BOREN, P. J., ASHMANN-GERST, J., CHAVEZ, J.

An amended information charged defendant with three counts of second degree robbery in violation of Penal Code section 211<sup>1</sup> (counts 1, 2, and 4),<sup>2</sup> and alleged as to all counts that defendant personally used a firearm within the meaning of section 12022.53, subdivision (b). For purposes of a five-year sentence enhancement and the “Three Strikes” law,<sup>3</sup> the amended information alleged that defendant had suffered a prior serious or violent felony conviction in 2000. The information also specially alleged four prior prison terms for purposes of section 667.5, subdivision (b).

A jury convicted defendant of counts 2 and 4, and found that defendant had personally used a firearm in the commission of the offenses, but was unable to reach a verdict as to count 1, which was dismissed on the People’s motion. Defendant admitted the truth of the 2000 felony conviction, and the trial court denied a motion to strike it under *Romero*.<sup>4</sup> The court did strike the four prior prison term allegations, however.

On June 9, 2011, the trial court sentenced defendant to 30 years 4 months in prison, with 1,357 days custody credit. As to count 2, the trial court selected the high term of five years, doubled it as a second strike, added 10 years due to the use of a firearm and another five years due to the prior serious felony conviction, for a total on count 2 of 25 years. As to count 4, the trial court imposed a consecutive term of one year (one-third the middle term) doubled as a second strike, plus three years four months for the firearm use, for an additional five years four months. The court also ordered defendant to pay a \$2,000 restitution fine and a \$2,000 parole revocation fine, stayed pending successful completion of parole, and imposed other mandatory fines and fees. Defendant filed a timely notice of appeal.

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<sup>1</sup> All further statutory references are to the Penal Code, unless otherwise indicated.

<sup>2</sup> The amended complaint contains no count 3.

<sup>3</sup> See section 667, subdivisions (a)(1) and (b) through (i), and section 1170.12, subdivisions (a) through (d).

<sup>4</sup> See *People v. Superior Court (Romero)* (1966) 13 Cal.4th 497.

The evidence regarding counts 2 and 4 showed that defendant robbed Taco Bell cashier Timothy Gayson (Gayson) at gunpoint on March 10, 2008, and that on March 11, 2008, he robbed Subway cashier David Lihon (Lihon) at gunpoint. The two cashiers selected defendant's photograph from a photographic lineup, and at trial both identified defendant in court as the robber. The robberies were recorded on surveillance video which was shown to the jury, and each cashier identified defendant as the robber shown in the video. Neither Gayson nor Lihon saw tattoos on the robber's hands or face, and Gayson was unable to see the robber's neck. The parties stipulated that none of the fingerprints taken from either crime scene matched defendant.

Gayson identified the weapon used as a .45-caliber or larger handgun. Los Angeles Police Officers Ron Huang and Arthur Meza testified that a few days after the robberies, they recovered a loaded .45-caliber handgun secreted in a video recorder in the home of defendant's girlfriend Lorrie Wheeler (Wheeler). Wheeler led the officers to the gun, told them that it belonged to defendant, and identified defendant as he stood outside her building.

Wheeler and defendant's brother Dovon Farmer (Dovon) viewed excerpts from the robbery videos and claimed defendant's other brother, Christopher, was the man depicted as the robber. Dovon testified that defendant and Christopher closely resembled each other, although defendant had visible tattoos and a limp, while Christopher had neither. Wheeler testified that defendant had a teardrop tattoo under his left eye, a tattoo on the left side of his neck, and other tattoos on his hands. Defendant's booking form noted that he limped with his right leg.

The defense also presented the expert testimony of Dr. Mitchell Eisen, a psychologist who specializes in eyewitness memory and suggestibility. Dr. Eisen testified regarding common errors in identification, as well as factors leading to faulty and false memories.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our

review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

The judgment is affirmed.