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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

NORRIS JUNIOR WINFREY,

Defendant and Appellant.

B242125

(Los Angeles County  
Super. Ct. No. GA085345)

APPEAL from a judgment of the Superior Court of Los Angeles County, Stanley Blumenfeld, Judge. Affirmed.

Dawn S. Mortazavi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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## INTRODUCTION

Defendant Norris Junior Winfrey appeals from the judgment of conviction entered after a jury trial. We affirm.

## FACTUAL AND PROCEDURAL BACKGROUND

On the night of January 20, 2012, Francis McNair (McNair), a transient alcoholic, rode his bicycle to a homeless encampment and shared some food with defendant and another man. At some point, McNair decided to leave. As McNair was walking his bicycle out of the area, defendant approached, struck McNair in the eye, knocking him down, and fled with McNair's bicycle. Early the next morning, an officer saw defendant with a bicycle. He fit the description of the reported robbery suspect. After determining defendant was intoxicated, the officer detained him, took the bicycle to the police station and attempted to contact McNair. When McNair refused to cooperate, police released defendant, but kept the bicycle. The following day, McNair again encountered defendant at the homeless encampment, telephoned police and identified defendant to arriving officers as the person who took his bicycle.

Defendant did not testify or present other evidence in his defense.

The jury found defendant guilty of second degree robbery (Pen. Code, § 211). In a bifurcated proceeding, defendant admitted having suffered a prior serious or violent felony conviction within the meaning of the "Three Strikes" law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) and Penal Code section 667, subdivision (a)(1).

After granting defendant's motion to dismiss his prior strike conviction pursuant to Penal Code section 1385 and *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530, the trial court sentenced him to an aggregate state prison term of seven years, consisting of the lower term of two years for second degree burglary, plus five years for the Penal Code section 667, subdivision (a)(1), enhancement. Defendant received presentence custody credits of 166 days (144 actual days and 22 days of conduct credits).

The trial court ordered defendant to pay a \$40 security assessment, a \$30 criminal conviction assessment and a \$240 restitution fine. The court imposed and suspended a parole revocation fine pursuant to Penal Code section 1202.45.

## **DISCUSSION**

We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) On October 15, 2012, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. On November 5, 2012, we received a hand-written and typed supplemental brief in which he makes numerous assertions (specifically concerning questions his trial counsel failed to ask, or evidence his trial counsel failed to introduce), which amount to a claim of ineffective assistance of trial counsel.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende, supra*, 25 Cal.3d at p. 441.) The record provides no support for defendant's claim that his trial counsel provided ineffective assistance. (See *Strickland v. Washington* (1984) 466 U.S. 668, 686 [104 S.Ct. 2052, 80 L.Ed.2d 674].)

## **DISPOSITION**

The judgment is affirmed.

JACKSON, J.

We concur:

WOODS, Acting P. J.

ZELON, J.