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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.

DAJON SHAQUILLE
BLACKMAN,

Defendant and Appellant.

B281602

(Los Angeles County
Super. Ct. No. SA091280)

APPEAL from a judgment of the Superior Court of Los Angeles County. Lauren Weis Birnstein, Judge. Affirmed.

Gideon Margolis, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

In November 2015, defendant and appellant Dajon Shaquille Blackman was charged by information with three counts of robbery in the second degree (Pen. Code, § 212.5, subd. (c)). It was further alleged defendant personally used a firearm in the commission of the robberies within the meaning of section 12022.53, subdivision (b), and that a principal was armed with a firearm within the meaning of section 12022, subdivision (a)(1). The robberies took place on two different days and involved three victims.

Defendant pled not guilty and denied the special allegations. All three victims testified at the preliminary hearing. Brothers Luis and Javier Martinez said they responded to a car-for-sale ad on Craigslist. When they arrived at the specified location on March 27, 2015 with money to buy the car, two African-American men approached them. One pointed a gun at Luis's head and demanded money. Luis gave him the money he had brought to buy the car. The man then pointed the gun at Javier and repeated the demand. Javier gave him his money. Javier identified defendant as the man with the gun. Lei Tong also testified to a similar robbery that took place on May 1, 2015, arising from a car ad on Craigslist. Mr. Tong identified defendant as the assailant with the gun.

Defendant's trial counsel moved for the appointment of a computer forensics expert related to the origination of the Craigslist ad, as well as an eyewitness identification expert. In December 2016, defense counsel moved for a continuance of the trial date to continue to consult with experts. A brief continuance was granted. In January 2017, defendant moved pursuant to *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*) for the appointment of new counsel. The court conducted a *Marsden* hearing and denied defendant's motion.

On the eve of trial, defendant told the court he wanted to represent himself. The court said it would take up the issue the next court day. Thereafter, the parties entered into a plea agreement, and defendant's request to proceed in propria persona was not re-visited.

The terms of the plea agreement were as follows: the prosecution agreed to amend the gun use allegation under Penal Code section 12022.53 to a gun use allegation under section 12022.5. Defendant would plead no contest to counts 1 and 3 and admit a gun use allegation under section 12022.5 as to count 3. The prosecution would move to dismiss count 2 and the remaining special allegations. Defendant's sentence would be the middle term of three years on count 3, plus the middle term of four years for the gun use enhancement, and a concurrent three-year term on count 1. Defendant's pending probation violation in another case would run concurrent with the sentence in this case.

The court accepted defendant's waivers and plea on the record, and defendant initialed and signed a felony plea form. The parties stipulated to a factual basis for the plea as set forth in the preliminary hearing testimony. Count 2 and the special allegations, except for the gun use allegation on count 3, were dismissed. The court sentenced defendant to state prison for seven years in accordance with the terms of the plea agreement, with a recommendation for fire camp. The court ordered restitution to each of the three victims and imposed various fines and fees. Defendant was awarded 138 days of custody credits. As for defendant's probation violation in case No. PA082796, the court revoked, reinstated and terminated probation.

Defendant obtained a certificate of probable cause and filed a timely notice of appeal.

We appointed appellate counsel to represent defendant. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and also discussed the record with another attorney who reviewed the case independently. Counsel sent a letter to defendant explaining his evaluation of the record and advised defendant of his right, under *Wende*, to submit a supplemental brief within 30 days. Counsel stated that a copy of the record was being forwarded to defendant along with a copy of the brief. Defendant did not file a supplemental brief.

We have examined the entire record consisting of one volume of the clerk's transcript, two volumes of reporter's transcripts, a sealed *Marsden* transcript, and sealed envelopes containing several defense motions and filings in the trial court. We are satisfied that appointed counsel fully complied with his responsibilities in assessing whether or not any colorable appellate issues exist. We conclude there are no arguable appellate issues. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment of conviction is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

SORTINO, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.