

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

KEFVON JEROME CAMP,

Defendant and Appellant.

B280108

(Los Angeles County
Super. Ct. No. GA095982)

APPEAL from a judgment of the Superior Court of Los Angeles County, Dorothy L. Shubin, Judge. Affirmed.

Kevfon Jerome Camp, in pro. per.; and Athena Shudde, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Before dawn on January 15, 2015, Kevfon Camp, a member of the Pasadena Denver Lanes gang, fired several rounds from a .45-caliber pistol at members of a rival gang, Victor Mendoza and Fernando Zuniga, as Mendoza and Zuniga loitered in an apartment building doorway.

The district attorney charged Camp with two counts of attempted first degree murder and one count of shooting at an inhabited dwelling, each alleged to constitute a serious felony under Penal Code section 1192.7, subdivision (c).¹ (§§ 664, subd. (a), 187, subd. (a), 189, 246, 1192.7, subds. (c)(9), (c)(22), (c)(23) & (c)(33).) The attempted murder charges were also alleged to be violent felonies because Camp both used and discharged a firearm while committing the crime. (§§ 12022.53, subds. (b) & (c).) The alleged crimes also qualified for a gang sentencing enhancement under section 186.22, subdivision (b). The district attorney also alleged Camp had committed a prior serious and/or violent felony.

The trial court granted Camp's motion to bifurcate the trial on his prior conviction, and Camp waived a jury trial on the prior conviction. In October 2016, the rest of the case was tried to a jury, which found Camp guilty of attempting to murder Mendoza and Zuniga and not guilty of shooting at an inhabited dwelling. The jury found true the allegations that (1) the attempted murders were willful, deliberate, and premeditated, (2) Camp personally used and (3) discharged a firearm when committing the crimes, and (4) the crimes were committed for the benefit of, at the direction of, or in association with a criminal street gang with a specific intent to promote, further, or assist in criminal

¹ All further statutory references are to the Penal Code unless otherwise noted.

conduct by gang members. Camp waived his right to a court trial on the prior strike allegation and admitted the allegation.

Based on the jury verdict and Camp's prior strike, the trial court denied probation and sentenced Camp on each attempted murder count to life in prison with the possibility of parole with a minimum parole eligibility period of 30 years. (§§ 664, subd. (a), 187, subd. (a), 189, 186.22, subd. (b)(5), 1170.12, subd. (c)(1).) The court also imposed on each count an additional consecutive 20 years for the personal and intentional discharge of a firearm and imposed but stayed an additional consecutive 10 years for personal use of a firearm in the commission of the crimes. (§§ 12022.53., subds. (b) & (c), 1170.1, subd. (f).) The court ordered the sentences to run concurrently. The court further imposed on count 1 only an additional five consecutive years for the prior strike. (§ 667, subd. (a)(1).) Finally, the court imposed a \$300 victim restitution fine (§ 1202.4, subd. (b)), a \$40 court security fee (§ 1465.8), a \$30 criminal conviction assessment (Gov. Code, § 70373), imposed and stayed a \$300 parole revocation fine (§ 1202.45), ordered Camp to provide blood and saliva samples and fingerprints for law enforcement identification analysis (§ 296), and ordered Camp to register as a street gang participant with local law enforcement within 10 days of his release from custody (§ 186.30). Camp was given credit for 659 days of time served plus 98 days of conduct credit.

Camp timely appealed and we appointed counsel to represent him on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On June 20, 2017, we sent letters to Camp and appointed counsel directing counsel to forward the appellate

record to Camp and advising him that within 30 days he could personally submit any contentions or issues he wished us to consider. Camp responded with a letter brief in which he contends the evidence presented at trial was insufficient to support his convictions.

DISCUSSION

When an appellant challenges the sufficiency of the evidence to support a criminal conviction, “we review the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.” (*People v. Stanley* (1995) 10 Cal.4th 764, 792.) “Although we must ensure the evidence is reasonable, credible, and of solid value, nonetheless it is the exclusive province of the trial judge or jury to determine the credibility of a witness and the truth or falsity of the facts on which that determination depends.” (*People v. Jones* (1990) 51 Cal.3d 294, 314.) It “is not a proper appellate function to reassess the credibility of the witnesses.” (*Id.* at pp. 314-315.)

In addition to his counsel’s admission that Camp was at the crime scene, an eyewitness identified Camp as the man she saw at the scene with a gun, and other witnesses identified Camp in still photographs and video of the scene. The eyewitness testified she saw Camp raise a gun and point it at the victims. While there is no testimony from anyone who saw Camp shoot the gun, the jury could have reasonably concluded that Camp—the person on the street with a gun—fired the shots multiple witnesses claimed they heard. Additionally, the record supports the jury’s finding regarding Camp’s commission of the crime against rival

gang members to benefit his own street gang; the district attorney's gang expert testified that crimes like Camp's—attempting to murder rival gang members on the rivals' own territory—incite fear in the community and rival gang members, making the community less inclined to call on or cooperate with law enforcement, and send a message to rival gang members that the gang is willing to do anything to benefit the gang. (Cf. *People v. Olguin* (1994) 31 Cal.App.4th 1355, 1384.) We conclude substantial evidence supports the jury's verdict.

We have examined the entire record and are satisfied that Camp's appellate counsel has fully complied with the responsibilities set forth in *People v. Kelly* (2006) 40 Cal.4th 106, 109-110, and *People v. Wende, supra*, 25 Cal.3d at page 441. No arguable issues exist.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

CHANNEY, Acting P. J.

We concur:

JOHNSON, J.

LUI, J.