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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY BLAKE,

Defendant and Appellant.

B244721

(Los Angeles County
Super. Ct. No. NA092660)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Charles D. Sheldon, Judge. Affirmed.

Craig C. Kling, under appointment by the Court of Appeal, and Anthony
Blake, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Anthony Blake appeals from the judgment entered after his jury conviction of possession of a firearm by a felon. His appointed counsel filed a *Wende* brief. (*People v. Wende* (1979) 25 Cal.3d 436.) We advised defendant that he had 30 days within which to submit any arguments he wished this court to consider and permitted him to file a belated supplemental brief in pro. per. We have reviewed his response and the record on appeal in accordance with *People v. Wende*.

On June 23, 2012, a Chevrolet Suburban with nine occupants was stopped by police officers Garrido and Jarman, after it made an abrupt U-turn. Defendant was one of four passengers seated in the middle row of the vehicle. Officer Garrido opened the cargo area door and saw an individual seated in that area pass a white shirt to defendant. Officer Jarman saw defendant bend over as if reaching under the seat. After defendant exited the vehicle, the officer retrieved a loaded firearm from under the seat where defendant had been sitting. The white shirt was found under the front passenger seat.

Defendant was given his *Miranda*¹ rights at the scene. He asked officer Garrido whether the other occupants of the car would be released if he told the truth. The officer responded that he would like to release those who had not done anything wrong, but he needed to know the truth. Defendant then told the officer the firearm was his.

Defendant was charged with possession of a firearm by a felon. (Pen. Code, § 29800, subd. (a)(1).)² Three prior felonies were alleged, one of which was a prior strike conviction.

The court denied defendant's *Marsden*³ motion on the eve of trial.

The jury convicted defendant as charged, and the court found the prior conviction allegations to be true. Defendant was sentenced to a mid-term of two years. The sentence was doubled to four years because of his prior strike conviction. Two additional

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

² Unless otherwise indicated, all statutory references are to the Penal Code.

³ *People v. Marsden* (1970) 2 Cal.3d 118.

years were imposed for his prior felony convictions, for a total of six years in prison. The third prior conviction was stricken. Defendant received 236 days of custody credit and was charged various fines and fees.

Our review of the record indicates that, as to the fines and fees, the court's pronouncement on the record was imprecise: "Like I typically do 240, 1203, \$50 1465.9, \$50, \$50 70770 Government Code that is court security and you will have to pay those." The minute order and abstract of judgment correctly list these fines and fees as \$40 per section 1465.8, \$30 per Government Code section 70373, \$240 per section 1202.4, subdivision (b) and \$240 per section 1202.45 (suspended). The minute order and abstract of judgment control over a conflicting reporter's transcript because they are detailed and more reliable. (See *People v. Cleveland* (2004) 32 Cal.4th 704, 768.)

In his supplemental letter brief, defendant argues his trial counsel was ineffective in failing to seek suppression of his statement admitting ownership of the firearm because he also told the officers he was "sc[h]izophrenic" and needed protection from the "gove[r]nment" and "Bin Laden." Defendant claims his statement was "inflammatory . . . based on the fact it brought into question [his] state of mind at the time of [his] arrest." The record does not include these additional statements. Defendant's admission of his firearm ownership was hardly inflammatory.

Defendant also argues counsel was ineffective for failing to ask the judge to instruct the jury on "access to a firearm, a lesser charge." Framed more properly, this appears to be a reference to the principle that possession may not be inferred from mere presence or access, without more. (See *People v. Zyduck* (1969) 270 Cal.App.2d 334, 336.) That principle has no application in this case because the jury was entitled to believe defendant admitted the gun was his.

No arguable issues for appeal exist.

DISPOSITION

The judgment is affirmed.

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EPSTEIN, P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.