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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JACOB NICHOLAS CLAUS,

Defendant and Appellant.

B276288

(Los Angeles County
Super. Ct. Nos. TA137498,
MA063874, MA063888)

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

Joseph R. Escobosa, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, and Stacy S. Schwartz, Deputy Attorney General, for Plaintiff and Respondent.

Jacob Claus appeals the judgment entered following a jury trial in which he was convicted of one count of second degree robbery (Pen. Code,¹ § 211; count 1) and one count of battery upon a peace officer (§ 243, subd. (b); count 2). The trial court found true the allegation in connection with count 1 that appellant had suffered a prior conviction for a serious and/or violent felony. (§§ 667, subds. (a)(1), (d), 1170.12, subd. (b).) The court denied probation and sentenced appellant to 11 years in state prison and 364 days in county jail.

Appellant contends his conviction for robbery lacks substantial evidentiary support. We disagree and affirm.

FACTUAL BACKGROUND

Around midnight on Friday, June 19, 2015, Robert Porter was panhandling outside a Jack-in-the-Box restaurant when he saw appellant burning a book near the drive-through lane. Porter approached appellant and asked him what he was doing. Appellant said, “ ‘I’m burning this Bible,’ ” to which Porter responded, “ ‘Okay. Well, God bless you.’ ” As Porter started to walk away, he saw appellant urinating on the front door step of the restaurant. Porter again approached appellant and said, “ ‘What the fuck are you doing?’ ” “ ‘Come on man. That’s not cool. There’s, like, families here and stuff.’ ” Appellant became angry and said, “ ‘You care about people?’ ” Porter responded, “ ‘Well, yeah,’ ” and appellant came after him, repeating, “ ‘Oh, you care about people?’ ”

¹ Undesignated statutory references are to the Penal Code.

Porter tried to run away, but appellant caught up with him. Appellant struck Porter in the face and said, “ ‘You have money. Give me your money.’ ” As appellant continued to “come at [him],” Porter was afraid of being hit again, and threw his change on the ground in front of appellant. Appellant picked up the money and ran away.

DISCUSSION

Substantial Evidence Supports Appellant’s Robbery Conviction

Appellant contends that insufficient evidence supports his robbery conviction because he did not form the intent to steal until after he had struck Porter, and there was insufficient evidence from which the jury could infer such intent before the use of force. The contention lacks merit. Appellant knew Porter had money when he struck him, and Porter complied with appellant’s demand for his money out of fear that appellant would strike him again. On this evidence, all the elements of robbery are satisfied.

In assessing appellant’s substantial evidence challenge, “ ‘we review the entire record in the light most favorable to the judgment to determine whether it contains 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. Avila* (2009) 46 Cal.4th 680, 701; *People v. Watkins* (2012) 55 Cal.4th 999, 1019–1020.) We draw all reasonable inferences in favor of the verdict and presume “ ‘the existence of every fact the [jury] could reasonably deduce from the evidence’ ” that supports its findings. (*People v. Maciel* (2013) 57 Cal.4th 482, 515; *People v. Kraft* (2000) 23 Cal.4th 978, 1053.) “ ‘In reviewing the sufficiency

of the evidence, we must determine “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” ’ ’ (*People v. Medina* (2009) 46 Cal.4th 913, 919.) In this regard, the appellate court is bound to affirm a conviction “ ‘unless it appears “that upon no hypothesis whatever is there sufficient substantial evidence to support [it].” ’ ’ ” (*People v. Cravens* (2012) 53 Cal.4th 500, 508.) “[T]he testimony of a single witness is sufficient for the proof of any fact” (*People v. Richardson* (2008) 43 Cal.4th 959, 1030–1031), and to “uphold a judgment ‘even if it is contradicted by other evidence, inconsistent or false as to other portions’ ” (*People v. White* (2014) 230 Cal.App.4th 305, 319, fn. 14).

Robbery is the taking of “personal property in the possession of another, against the will and from the person or immediate presence of that person, *accomplished by means of force or fear* and with the specific intent permanently to deprive that person of the property.” (CALJIC No. 9.40; *People v. Letner and Tobin* (2010) 50 Cal.4th 99, 166.) The force or fear element of robbery is cast in the alternative: That is, a robbery may be accomplished by means of either force *or* fear. (*People v. James* (1963) 218 Cal.App.2d 166, 170; see also *People v. Clark* (2011) 52 Cal.4th 856, 943–944 (*Clark*).)

“ ‘The element of fear for purposes of robbery is satisfied when there is sufficient fear to cause the victim to comply with the unlawful demand for his property.’ ” (*People v. Morehead* (2011) 191 Cal.App.4th 765, 774.) The victim’s fear need not be extreme to satisfy this element of robbery. (*People v. Davison* (1995) 32 Cal.App.4th 206, 216.) All that is required is evidence showing “ ‘ ‘conduct, words, or circumstances reasonably

calculated to produce fear.” ’ ’ (*People v. Brew* (1991) 2 Cal.App.4th 99, 104.) Further, direct proof of fear is not required; the jury may infer fear from the circumstances under which the property was taken. (*People v. Holt* (1997) 15 Cal.4th 619, 690; *Clark, supra*, 52 Cal.4th at p. 944.) Indeed, “[a]n unlawful demand can convey an implied threat of harm for failure to comply, thus supporting an inference of the requisite fear.” (*People v. Morehead, supra*, 191 Cal.App.4th at p. 775.)

The record in this case contains abundant evidence demonstrating that appellant accomplished the robbery of Porter by means of fear, and any rational trier of fact would have found the elements of robbery beyond a reasonable doubt. Immediately after striking Porter in the face, appellant said, “ ‘You have money. Give me your money.’ ” Afraid of being hit again as appellant continued to “come at [him],” Porter pulled out the money he had collected from panhandling and threw it on the ground. Appellant picked up the money and ran away. Not only did Porter testify that he threw the money down out of fear of further attack, but these circumstances readily support the inference that appellant accomplished the taking by means of that fear. We therefore reject appellant’s substantial evidence challenge to his robbery conviction.

DISPOSITION

The judgment is affirmed.
NOT TO BE PUBLISHED.

LUI, J.

We concur:

CHANEY, Acting P. J.

JOHNSON, J.