

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES WILLIAMS,

Defendant and Appellant.

B239136

(Los Angeles County
Super. Ct. No. BA383041)

APPEAL from a judgment of the Superior Court of Los Angeles County,
William N. Sterling, Judge. Affirmed.

Christopher Love, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant Charles Williams appeals from the judgment entered following his conviction by jury of 12 counts of robbery, with the finding that he personally used a firearm during the commission of the offenses. (Pen. Code, §§ 211, 12022.53, subd. (b).) He was sentenced to 26 years in prison to be served consecutively with time previously imposed in another matter. We affirm.

STATEMENT OF FACTS

I. The Prosecution Case

On December 26, 2010, Francisco Merino was working as a cashier at Shawn's Market. Three African-American men, one of whom was armed with a gun, entered the store. The gunman, defendant, pointed the weapon at Merino and told him not to move. As defendant held Merino at bay, one of defendant's companions took over \$1,000 from the register, cigarettes, and liquor. Merino's coworker saw what was occurring and approached the register. Defendant's other accomplice pulled a gun and chased the coworker into a bathroom on the premises.

On January 9, 2011, Ana Ornales Madallana and Reina Ramos were working as cashiers at Virgil Farm Market. Two men approached the cash registers and one of them jumped over the counter and yelled at the women to open their respective registers. He removed cash from each of the registers. The second man, defendant, stood in front of the counter and pointed a gun at the victims.

On January 12, 2011, Sushanta Halder and his wife were working at Tripti Market. Three African-American men entered the store. Defendant produced a gun and told Halder and his wife not to move. The other two men came behind the counter and took money and cigarettes.

On January 12, 2011, Segeun Park was the cashier at Virgil Square Market. Defendant pointed a gun at Park and told him not to move. Two African-American males got on the counter and took money and cigarettes.

On January 15, 2011, Yadin Taracena was working at Advance America, a payday loan company. Also present were her manager, Ingris Martinez, and a customer, Karla Henriquez. Three African-American men entered the store. The men began asking about applying for a loan. One of the three, defendant, pulled a gun and told everyone not to move. The other two men jumped over the counter and took money. The men also took Henriquez's purse and wallet.

On January 28, 2011, Oscar Blanco was working as a cashier at Neida's 99 Cent Store. A customer, Jose Lopez, was near the counter. Two African-American men entered the store. One of the men, defendant, approached the counter, pulled out a gun, and told Blanco that this was a robbery and demanded all of the money. Blanco handed defendant money from the register. The second man took Blanco's and Lopez's wallets.

All of the robberies were recorded on security cameras and the videos were played for the jury.

II. The Defense Case

Robert Shomer has a doctorate in experimental psychology, which is the discipline of testing human capability in perception, memory, and identification. Various factors can affect an individual's ability to identify others, such as the stress under which the individual is placed, the presence of a weapon, and whether the person being viewed is of the same racial group. An individual's ability to accurately identify another person declines very significantly after 24 hours. A greater number of suspects reduces a person's ability to accurately identify the perpetrators. The manner in which a person is asked to recall an identification can affect the accuracy of the identification. The process may suggest the identity of the person the police want the witness to select. There is no correlation between accuracy and the degree of confidence a witness has with respect to his or her identification.

DISCUSSION

Defendant's appointed counsel filed a brief requesting that this court independently review the record for arguable issues pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was informed by counsel and this court that he had 30 days within which to submit any issues that he wished to have considered.

On December 10, 2012, defendant submitted a letter, raising four contentions. We consider them in turn. First, he asserts that at the preliminary hearing the witnesses were sitting together when the judge took the bench. He acknowledges that when his attorney asked the witnesses to leave the courtroom, they did so, and that each testified outside of the presence of the others. Even if we were to accept defendant's version of the events, he has presented no evidence that he suffered any prejudice as a result. Second, defendant claims that one victim said defendant looked similar to the robber and was not really sure of his or her identification. Defendant does not explain when this statement was made. Nonetheless, after reviewing the record, we conclude the jury's verdict was amply supported by the evidence. Third, defendant complains no live lineup was held. Assuming this is true, counsel's failure to request a lineup is easily explained by the fact that all of the robberies were recorded on video tape. Moreover, even if counsel rendered ineffective assistance (a finding we do not make), there is no reasonable probability that, but for the alleged error, the outcome would have been different and reversal is not warranted. (*Strickland v. Washington* (1984) 466 U.S. 668, 694.) Fourth, defendant alleges the jury had no African-American members. He failed to establish a factual basis for his claim with a citation to the record.

We are satisfied that no other arguable issues exist and that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our independent review of the record, received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.