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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.

KWABENTE SMITH,

Defendant and Appellant.

B272229

(Los Angeles County
Super. Ct. No. TA138698)

APPEAL from a judgment of the Superior Court of Los Angeles County, Pat Connolly, Judge. Affirmed.

Tracy L. Emblem, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Defendant Kwabente Smith appeals from a judgment of conviction. On appeal, defendant's counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 stating that no arguable issue exists and requesting that this court independently review the record. We have reviewed the entire record and find no arguable issue. We affirm the judgment.

PROCEDURE

In an amended eight-count information, defendant was charged with four counts of second degree robbery. He also was charged with fleeing a pursuing peace officer's motor vehicle while driving recklessly, driving or taking a vehicle without consent, kidnapping for carjacking, and kidnapping to commit another crime. Firearm enhancements were alleged as well as prior conviction enhancements.

The charge for fleeing an officer's motor vehicle while driving recklessly was dismissed. Jurors found defendant guilty of four counts of second degree robbery and of driving or taking a vehicle without consent. Jurors found defendant not guilty of the remaining offenses. Jurors found that with respect to each robbery, defendant personally used a firearm within the meaning of section Penal Code¹ section 12022.53, subdivision (b) and that a principal was armed with a firearm within the meaning of section 12022, subdivision (a)(1).

The court found that defendant suffered two prior convictions within the meaning of section 667.5, subdivision (b), one prior strike conviction pursuant to section 667, subdivision (d), and one prior serious or violent felony pursuant to section 667, subdivision (a)(1). The court further found that defendant committed a probation violation.

¹ Undesignated statutory citations are to the Penal Code.

Including the probation violation, defendant was sentenced to a total prison term of 44 years eight months.

FACTS

On November 15, 2015, four victims stood outside a building after an Alcoholics Anonymous meeting. Two armed men, including defendant, approached and demanded the four victims turn over their money and cell phones. The victims relinquished their property because they were afraid. The victims' property was found at defendant's address in the crawl space and in a vacant unit next door to defendant's home.

J.C., one of the robbery victims, was incarcerated at the time of his testimony. When J.C. was scheduled to testify, defendant identified him as a "snitch," and caused others to break J.C.'s ribs and his nose. As a result, J.C.'s testimony was delayed, but like the other three victims, J.C. identified defendant in court as one of the armed men who robbed him and his friends.

On November 18, 2015, D.V. was driving his Chevy Impala when two men jumped into his car. The person in the passenger seat put a gun to D.V.'s head and demanded he drive. The passenger also took D.V.'s wallet and phone. D.V.'s car eventually was impounded, and defendant's bank card was found in it. A wallet belonging to J.C. also was found in D.V.'s car.

DISCUSSION

The court appointed counsel to represent defendant. Counsel filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436 identifying no issues. Defendant did not file a supplemental brief. We have reviewed the entire record and find no arguable issue on appeal and are satisfied that defendant's attorney has fully complied with the responsibilities of counsel.

(*Smith v. Robbins* (2000) 528 U.S. 259, 278; see *People v. Kelly* (2006) 40 Cal.4th 106, 111; *People v. Wende, supra*, at p. 441.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.