

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWARD DARNELL FONDREN,

Defendant and Appellant.

B277465

(Los Angeles County
Super. Ct. No. BA439641)

APPEAL from a judgment of the Superior Court of Los Angeles County, Anne H. Egerton, Judge. Affirmed.

Brad Kaiserman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

A jury convicted defendant and appellant Edward Fondren of attempted murder (Pen. Code, §§ 664/187, subd. (a)¹) and found true the allegations he personally used a deadly and dangerous weapon (a knife) (§ 12022, subd. (b)(1)) and personally inflicted great bodily injury (§ 12022.7, subd. (a)). Defendant admitted six prior convictions within the meaning of the Three Strikes law (§§ 667, subds. (b)-(i) & 1170.12, subds. (a)-(d)) and three prior convictions under section 667, subdivision (a)(1). The trial court sentenced defendant to 25 years to life in state prison plus 19 years.

On appeal, defendant's appointed counsel filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436, requesting this court to conduct an independent review of the record to determine if there are any arguable issues on appeal. On January 26, 2017, we gave notice to defendant that counsel had failed to find any arguable issues, and defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. On February 10, 2017, defendant filed a letter in this court addressed to "counsel," requesting "counsel" to look into the sufficiency of the evidence supporting some of the prior conviction allegations. We advised defense counsel of defendant's letter. Defense counsel filed a letter in this court stating we should consider defendant's letter as defendant's response to our January 26, 2017 notice. We affirm.

¹ All statutory references are to the Penal Code.

BACKGROUND

About 10:15 p.m. on August 14, 2015, Olivier Pennetier was waiting for a train at the Pershing Square metro station. Pennetier heard a woman scream. He turned and saw Jose Contreras who appeared to have fallen down the escalator. Contreras had a gash on his forehead. Contreras had been at a restaurant where he drank five beers and was feeling “a little bit tipsy.”

Pennetier applied pressure to Contreras’ wound with paper towels. Others on the platform boarded trains, and Pennetier was left with Contreras. Pennetier waited for help. When he received none, he left Contreras to find a call box to summon aid. Informed someone was on the way, Pennetier returned to Contreras.

Upon his return, Pennetier saw a man on top of Contreras. The man’s hand was in Contreras’s back pocket. Pennetier pushed the man. The man stood up and approached Pennetier aggressively. There were “some words exchanged.” Pennetier stood his ground, and the man “bolted” up the stairs.²

Contreras appeared to be bleeding more profusely than when Pennetier left to summon aid. Blood appeared to be coming from Contreras’s neck and arm rather than his head. Pennetier saw a knife on the ground that was not there previously. Contreras was taken to the hospital where he was treated for stab wounds to his neck and left armpit and remained for about a week.

² Pennetier testified defendant was not the man he saw attack Contreras.

A video was played for the jury showing a man hit and stab Contreras. The man demanded Contreras turn over his wallet. Contreras did not see the man in the courtroom.

A cell phone was recovered. A search warrant was obtained for the phone. The phone contained names and phone numbers. Information inside the phone led the police to investigate Sarah Ballentine, defendant's mother. On August 27, 2015, the police showed Ballentine the phone and she identified it as her property. She said she had given it to defendant about two weeks earlier.

The police interviewed defendant. He admitted he was in an altercation at the Pershing Square metro station. He said he was descending the escalator when he saw a man at the bottom lying down and bleeding. Defendant took the opportunity to take the man's wallet. A man approached and began fighting with defendant. Defendant fled, losing his phone in the process. Defendant admitted he was armed with a knife and stabbed the man who was lying on the ground.

DISCUSSION

Apparently in response to our January 26, 2017, notice, defendant filed a letter in this court requesting "counsel" to look into—i.e., challenge—the sufficiency of the evidence supporting some of the prior conviction allegations. Defendant, however, admitted the truth of the prior conviction allegations at trial, and defense counsel stipulated there was a factual basis for the admissions. Due to defendant's admissions and defense counsel's stipulation, the records for defendant's prior convictions are not a part of the record on appeal. We have otherwise examined the entire record and are satisfied defendant's counsel has fully

complied with his responsibilities and no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Accordingly, we affirm the judgment.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

DUNNING, J.*

We concur:

KRIEGLER, Acting P. J.

BAKER, J.

* Judge of the Orange Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.