

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

THE PEOPLE,

Plaintiff and Respondent,

v.

DAMEON DONTRELL OLIVER,

Defendant and Appellant.

B228996

(Los Angeles County  
Super. Ct. No. TA108858)

APPEAL from a judgment of the Superior Court of Los Angeles County, Allen J. Webster, Jr., Judge. Affirmed.

Ronald White for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, James William Bilderback II and J. Michael Lehmann, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant Dameon Dontrell Oliver appeals from the judgment entered following a jury trial that resulted in his conviction for attempted murder. Oliver was sentenced to a prison term of 55 years to life. He contends the evidence was insufficient to establish he was the shooter and to prove a gang enhancement. We affirm.

## FACTUAL AND PROCEDURAL BACKGROUND

### 1. *Facts.*

#### a. *The shooting.*

In October 2009, appellant Oliver was a member of the “118 East Coast Crip[s],” a subclique of the East Coast Crips gang. Oliver’s gang moniker was “Infant Animal,” and he had East Coast Crips tattoos emblazoned on his shoulders, neck, and arms. The East Coast Crips and the Denver Lane Bloods gangs were “extreme” enemies. Bloods gang members wear red extensively. Gang members determine whether a person is a rival gang member by, among other things, manner of dress and the location where the person is “hanging out.”

On October 4, 2009, Ismaeel Banks, who was not a gang member, spent the day with his girlfriend, Jalishia Sanders. That evening at approximately 11:00 p.m., Banks accompanied Sanders to her bus stop. He waited until she got on her bus and then went downstairs to the lower platform of the Vermont Metropolitan Transit Agency (MTA) station to wait for his train. The Vermont MTA station is located in an area claimed as the territory of the Denver Lane Bloods. Banks was wearing burgundy-colored tennis shoes and a burgundy hat. The East Coast Crips claimed a nearby area as their territory.

As Banks waited, seated on a bench, he and Sanders sent text messages to each other. Oliver and another man approached Banks. Oliver repeatedly asked, “ ‘where are you from,’ ” which in the gang culture is a demand to identify one’s gang affiliation. Banks stated that he did not belong to a gang. Oliver replied, “ ‘fuck slob’ ” and “ ‘this Crip.’ ” “Slob” is a derogatory name for Bloods gang members, and use of the word “fuck” in gang culture evidences extreme hatred.

Banks noticed that Oliver's mouth was wired shut. Banks also recalled that he had seen Oliver twice previously at the Rosa Parks MTA station, approximately two to three months earlier. On one occasion, Oliver had sought to sell him bus tokens; on the second occasion, Oliver had asked Banks for a cigarette. Banks told Oliver that he remembered him from a previous encounter at the Rosa Parks train station. Oliver and his companion then shook Banks's hand, and moved off to Banks's right. Bank continued texting Sanders.

A few moments later, three other men approached Banks and questioned him. They likewise moved away to Banks's right. The three men, along with Oliver and his companion, talked amongst themselves while looking at Banks. Banks was afraid and attempted to ignore the men. He continued texting Sanders. When one of the men moved behind Banks, Banks stood up. Out of the corner of his eye, Banks observed Oliver put a gun to the left side of Banks's neck. Banks saw the flash of a gunshot, accompanied by a "boom." He fell to the ground, holding his neck, and pretended to be dead. He dropped his cellular telephone, and one of the men with Oliver took it.

Although shot in the neck, Banks managed to crawl away, and then walk to another station, where he boarded a train.<sup>1</sup> After he alerted other passengers to his injury, police and an ambulance were summoned. Banks provided a description of the shooter to police, including the information that the shooter's jaw appeared to have been wired shut.

Meanwhile, Sanders had stopped receiving text messages from Banks at approximately 11:30 p.m. Three or four hours later, she received a text from Banks's phone reading, "DLBK." "DLBK" is an acronym for "Denver Lane Blood Killers," which is an ultimate sign of disrespect. Banks, who no longer was in possession of the phone, did not send the text.

---

<sup>1</sup> Fortunately, the bullet passed through Banks's neck without causing permanent injuries.

b. *The investigation.*

The shooting was captured by the MTA's surveillance cameras. Based on the surveillance footage, police compiled a six-pack photographic lineup. The day following the shooting, Banks identified Oliver as the shooter in the photographic lineup. He stated he was "100 percent sure" Oliver was the shooter.

On October 7, 2009, Oliver was arrested. At that time, his jaw was wired shut. He informed police it had been broken. Officers searched Oliver's residence pursuant to a warrant. Among other things, they discovered a magazine cover with "gang handwriting," including notations to "East Coast" and "Denver Lane Blood Killer."

Banks positively identified Oliver as the shooter at trial. The recording of the shooting was played for the jury.

c. *Gang evidence.*

Los Angeles Police Department (L.A.P.D.) Officer Justin Kravetz, testifying as a gang expert, related the following. In the autumn of 2009 the East Coast Crips were a large gang with over 1,000 members in the Los Angeles area. The 118 East Coast Crips were a subset of the larger gang, with about 200 members. All East Coast Crips members, including the 118 subset, wore baby blue as their gang color and used a "C" hand sign. Members of the 118 East Coast Crips subset added an additional "118" hand sign to the "C." The East Coast Crips gang's primary activities included homicide, attempted homicide, battery, robbery, burglary, vandalism, and narcotics sales. East Coast Crips members tended to commit these crimes in groups. Gang members protect their territory with "force and fear" and commit various crimes in a neighborhood to intimidate the residents. Gang members sometimes enter the territory of a rival gang to attempt to claim it. Gang members are required to "put in work," that is, commit crimes for one's gang to instill fear. An East Coast Crips gang member who commits a violent crime in the presence of his fellow gang members gains status in the gang. Shooting a person perceived as a rival gang member likewise increases the shooter's status.

When given a hypothetical based on the facts of the case, Officer Kravetz opined that the shooting was committed for the benefit of, in association with, or at the direction of, a criminal street gang.

d. *Defense case.*

The defense presented no evidence.

2. *Procedure.*

Trial was by jury. Oliver was convicted of attempted murder (Pen. Code, §§ 664, 187, subd. (a)).<sup>2</sup> The jury further found true allegations that Oliver committed the attempted murder willfully, deliberately, and with premeditation; committed the crime for the benefit of a criminal street gang (§ 186.22, subd. (b)(1)(C)); and personally and intentionally discharged a firearm, causing great bodily injury to the victim (§ 12022.53, subds. (c), (d)). The trial court found Oliver had suffered a prior “strike” conviction for burglary (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)). It sentenced him to a term of 55 years to life in prison and imposed a restitution fine, a suspended parole restitution fine, a court security assessment, and a criminal conviction assessment. Oliver appeals.

## DISCUSSION

1. *The evidence was sufficient to establish that Oliver was the shooter.*

Oliver argues that there was insufficient evidence identifying him as the shooter. He urges that “there were significant questions” that rendered Banks’s identification of him unreliable. This contention is meritless.

When determining whether the evidence was sufficient to sustain a criminal conviction, “we review the whole record in the light most favorable to the judgment below to determine whether it discloses 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. [Citations.]” (*People v. Snow* (2003) 30 Cal.4th 43, 66; *People v. Carrington* (2009) 47 Cal.4th 145, 186-187; *People v.*

---

<sup>2</sup> All further undesignated statutory references are to the Penal Code.

*Halvorsen* (2007) 42 Cal.4th 379, 419.) We presume in support of the judgment the existence of every fact the trier of fact could reasonably deduce from the evidence. (*People v. Medina* (2009) 46 Cal.4th 913, 919.) Reversal is not warranted unless it appears “ ‘that upon no hypothesis whatever is there sufficient substantial evidence to support [the conviction].’ [Citation.]” (*People v. Bolin* (1998) 18 Cal.4th 297, 331; *People v. Zamudio* (2008) 43 Cal.4th 327, 357.)

There was ample evidence to prove Oliver was the shooter. The victim unequivocally identified Oliver both in a photographic lineup conducted the day after the crime, and at trial. Banks stated he was “100 percent sure” Oliver was the shooter when making the photographic identification. When testifying at trial, Banks similarly stated he had no doubt that Oliver shot him. The testimony of a single witness, unless physically impossible or inherently improbable, is sufficient to establish a fact and support a conviction. (Evid. Code, § 411; *People v. Young* (2005) 34 Cal.4th 1149, 1181; *People v. Hampton* (1999) 73 Cal.App.4th 710, 722.) Banks’s account of the crime was not impossible or inherently improbable. “In the instant case, ‘there is in the record the inescapable fact of in-court eyewitness identification. That alone is sufficient to sustain the conviction.’ [Citation.]” (*In re Gustavo M.* (1989) 214 Cal.App.3d 1485, 1497.)

Banks’s identification was bolstered by the fact he had had two prior contacts with Oliver, who was therefore not a stranger to him. Significantly, Banks told police that the shooter’s jaw was wired shut. When arrested a few days after the shooting, Oliver’s jaw was wired shut. This highly unique circumstance made the likelihood of an incorrect identification almost nil. The entire incident was captured on camera, and a recording of it was played for the jury. The recording corroborated Banks’s account of the incident.

Oliver’s insufficiency argument is based entirely upon his view that Banks’s identification was not trustworthy. He posits that Banks was under stress when the shooting occurred; he was not paying attention beforehand, but was absorbed with texting his girlfriend; he was unable to describe the assailant’s clothing, height, weight, or facial hair; he was unsure whether the shooter was intoxicated; he did not describe Oliver’s neck tattoo; he estimated that the assailant was 19 or 20 years old, whereas Oliver was

actually 27 years old; and he was unable to identify any of the other men who had been with the assailant. Further, Oliver hypothesizes that Banks possibly misidentified him because Banks had seen him on an MTA platform on previous occasions.

Accepting for purposes of argument the accuracy of Oliver's characterization of the evidence, his contentions are not persuasive. As our Supreme Court has repeatedly explained: “ ‘ “ ‘To warrant the rejection of the statements given by a witness who has been believed by the [trier of fact], there must exist either a physical impossibility that they are true, or their falsity must be apparent without resorting to inferences or deductions. [Citations.]’ ” ’ ” (*People v. Friend* (2009) 47 Cal.4th 1, 41; *People v. Mejia* (2007) 155 Cal.App.4th 86, 98.) Oliver has failed to make such a showing. The purported weaknesses in the evidence did not make Banks's testimony impossible to believe or obviously false, but “merely presented the jury with a credibility determination that is not reviewable on appeal.” (*People v. Mejia, supra*, at p. 99.) Oliver's arguments “involve simple conflicts in the evidence that were for the jury to resolve. [Citation.] Of course, ‘it is not a proper appellate function to reassess the credibility of the witnesses.’ [Citation.]” (*People v. Friend, supra*, at p. 41; *People v. Cortes* (1999) 71 Cal.App.4th 62, 81 [where an appellant “merely reargues the evidence in a way more appropriate for trial than for appeal,” we “are bound by the trial court's determination”].) It is the exclusive province of the jury to determine the truth or falsity of the facts upon which a determination of guilt depends. (*People v. Maury* (2003) 30 Cal.4th 342, 403; *People v. Mejia, supra*, at p. 98.) In sum, the evidence was more than sufficient to prove Oliver was the shooter.

*2. The evidence was sufficient to establish the gang enhancement.*

Section 186.22, subdivision (b)(1), provides for a sentence enhancement when the defendant is convicted of enumerated felonies “committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members . . . .” A criminal street gang is statutorily defined as “any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities

the commission of one or more of the criminal acts enumerated . . . , having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.” (§ 186.22, subd. (f).) Therefore, to prove a section 186.22 enhancement, the People must establish three elements: (1) that there is an ongoing association involving three or more participants, having a common name, identifying sign, or symbol; (2) that one of the group’s “primary activities” is the commission of one or more specified crimes; and (3) the group’s members, either separately or as a group, have engaged in a pattern of criminal gang activity. (*People v. Sengpadychith* (2001) 26 Cal.4th 316, 323; *People v. Gardeley* (1996) 14 Cal.4th 605, 617; *People v. Bragg* (2008) 161 Cal.App.4th 1385, 1399-1400; *In re Alexander L.* (2007) 149 Cal.App.4th 605, 610-611; *People v. Vy* (2004) 122 Cal.App.4th 1209, 1222; *People v. Duran* (2002) 97 Cal.App.4th 1448, 1457.) Here, Oliver complains that the evidence was insufficient to establish the second and third elements. Applying the standard for determining sufficiency of the evidence set forth *ante*, we disagree.

a. *The evidence was sufficient to establish the “primary activities” element.*

“The phrase ‘primary activities,’ as used in the gang statute, implies that the commission of one or more of the statutorily enumerated crimes is one of the group’s ‘chief’ or ‘principal’ occupations. [Citation.]” (*People v. Sengpadychith, supra*, 26 Cal.4th at p. 323; *People v. Duran, supra*, 97 Cal.App.4th at p. 1464.) “Proof that a gang’s members consistently and repeatedly have committed criminal activity listed in section 186.22, subdivision (e) is sufficient to establish the gang’s primary activities. On the other hand, proof of only the occasional commission of crimes by the gang’s members is insufficient.” (*People v. Duran, supra*, at pp. 1464-1465; *People v. Sengpadychith, supra*, at pp. 323-324.) Past offenses, as well as the circumstances of the charged crime, tend to prove the group’s primary activities. (*People v. Duran, supra*, at p. 1465; *People v. Sengpadychith, supra*, at p. 323.) It is settled that the primary activities element may be established through expert testimony. (*People v. Vy, supra*,



122 Cal.App.4th at p. 1226; *People v. Duran*, *supra*, at p. 1465; *People v. Augborne* (2002) 104 Cal.App.4th 362, 372.)

Here, the People's gang expert, Officer Kravetz, testified that the primary activities of the East Coast Crips included narcotics sales, homicide and attempted homicide, robbery, burglary, and vandalism. (See § 186.22, subd. (e)(2), (3), (4), (11) & (20).) His opinion was based upon his own experience investigating crimes, his extensive research into various crime reports and "gang books," and his personal conversations with gang members, community members, and other officers. This expert testimony was, by itself, sufficient to prove the primary activities element. "The testimony of a gang expert, founded on his or her conversations with gang members, personal investigation of crimes committed by gang members, and information obtained from colleagues in his or her own and other law enforcement agencies, may be sufficient to prove a gang's primary activities." (*People v. Duran*, *supra*, 97 Cal.App.4th at p. 1465; *People v. Sengpadychith*, *supra*, 26 Cal.4th at p. 324.)

Oliver advances three points in support of his contention that the evidence was insufficient. First, he contends that although the People's evidence may have established the primary activities of the larger "East Coast Crips" gang, the People did not present sufficient evidence of the primary activities of the smaller, "118 East Coast Crips" subset. This contention lacks merit. "Evidence of gang activity and culture need not necessarily be specific to a particular local street gang as opposed to the larger organization." (*People v. Williams* (2008) 167 Cal.App.4th 983, 987; see also *People v. Ortega* (2006) 145 Cal.App.4th 1344, 1356-1357; *In re Jose P.* (2003) 106 Cal.App.4th 458, 467.) However, "something more than a shared ideology or philosophy, or a name that contains the same word, must be shown before multiple units can be treated as a whole . . . some sort of collaborative activities or collective organizational structure must be inferable from the evidence, so that the various groups reasonably can be viewed as parts of the same overall organization." (*People v. Williams*, *supra*, at p. 988.)

Here, the evidence established the requisite connection between the larger gang and Oliver's subset. Officer Kravetz described the relationship between the East Coast Crips and the 118 East Coast Crips as follows: "I guess the easiest way to look at it is [a] corporation like Starbucks. You have a headquarters, you have East Coast Crips. Throughout the City of Los Angeles they're broken down into 13 different subsets." Kravetz explained that, unlike many gangs, members of all East Coast Crips subsets were allowed to travel freely within the territory of all other East Coast Crips subsets. Additionally, Kravetz testified that different subsets of the East Coast Crips would "often call each other to do crimes in different areas." This evidence was sufficient to allow the jury to infer that the East Coast Crips and the 118 East Coast Crips subset were part of the same organization.

Next, Oliver argues that the evidence was insufficient because the expert did not provide sufficient detail about specific crimes committed by 118 East Coast Crips gang members. He argues that, although proof of convictions is not required to prove the primary activities element, "proof that the offenses were committed" is.

We conclude the evidence was sufficient. Several authorities inform our analysis. In *People v. Gardeley*, *supra*, 14 Cal.4th 605, a police gang expert was asked for his opinion "as to the primary purpose or activity of the Family Crip gang. [The expert] responded that based on investigations of hundreds of gang-related offenses, conversations with defendants and other Family Crip members, as well as information from fellow officers and various law enforcement agencies, it was his opinion that the Family Crip gang's primary purpose was to sell narcotics, but that the gang also engaged in witness intimidation and other acts of violence to further its drug-dealing activities." (*Id.* at p. 612.) *Gardeley* concluded that "this testimony by [the police expert] provided a basis from which the jury could reasonably find" that the primary activities element was met. (*Id.* at p. 620; *People v. Sengpadychith*, *supra*, 26 Cal.4th at p. 324.)

In *People v. Duran*, *supra*, 97 Cal.App.4th 1448, a gang expert testified that the gang's primary activity was " 'putting fear into the community' " by committing the statutorily enumerated crimes of robbery, assault with a deadly weapon, and narcotics

sales. (*Id.* at p. 1465.) We concluded sufficient evidence supported the jury’s true finding on the gang enhancement. The expert’s testimony was based in part upon his personal experience in the field gathering gang intelligence, contacting gang members, and investigating gang-related crimes. (*Ibid.*) His testimony that gang members engaged in these activities “ ‘often,’ indeed often enough to obtain ‘control’ of the narcotics trade in a certain area of Los Angeles,” supported a jury finding that the gang members were engaged in more than the occasional commission of the specified crimes. (*Ibid.*) Further, evidence of the charged robbery and one of the predicate convictions provided specific examples of the gang members’ commission of robbery and narcotics offenses. (*Id.* at pp. 1465-1466; see also *People v. Vy*, *supra*, 122 Cal.App.4th at pp. 1225-1226 [evidence of three violent crimes committed by gang members during the three months preceding the charged crime was sufficient to support the primary activities element].)

In *People v. Martinez* (2008) 158 Cal.App.4th 1324, the evidence was sufficient to establish a criminal street gang enhancement where the expert testified that the gang’s primary activities included robbery, assault, theft, and vandalism. The expert had spent years working in the territory of the defendant’s gang, the King Kobras. The expert also testified about two specific predicate robberies. (*Id.* at p. 1330.) The gang expert “had both training and experience as a gang expert. He specifically testified as to King Kobras’s primary activity. His eight years dealing with the gang, including investigations and personal conversations with members, and reviews of reports suffices to establish the foundation for his testimony.” (*Ibid.*)

In contrast, in *In re Alexander L.*, *supra*, 149 Cal.App.4th 605, the defendant was alleged to have committed vandalism based on his “tagging” activities. When asked about the gang’s primary activities, a gang expert testified only that, “ ‘I know they’ve committed quite a few assaults with a deadly weapon, several assaults. I know they’ve been involved in murders. [¶] I know they’ve been involved with auto thefts, auto/vehicle burglaries, felony graffiti, narcotic violations.’ No further questions were asked about the gang’s primary activities on direct or redirect examination.” (*Id.* at p. 611.) “No specifics were elicited as to the circumstances of these crimes, or where,

when, or how [the expert] had obtained the information. [The expert] did not directly testify that criminal activities constituted [the gang's] primary activities.” (*Id.* at pp. 611-612.) Thus, the basis for the expert's knowledge of the gang's primary activities was never elicited, and his testimony lacked sufficient foundation. (*Id.* at p. 612.)

Here, as in *Gardeley*, *Duran*, and *Martinez*, and unlike in *Alexander L.*, the foundation for Kravetz's opinion was clearly established. Kravetz had been an officer for five years, during which time he had worked with a citywide task force that dealt with gang crimes such as vandalism, burglary, and narcotics transactions. For the three years preceding trial, Kravetz had been assigned to the “southeast” area, first handling crimes related to a Bloods gang, and then to an area where he was assigned to the East Coast Crips. His partner was an expert on the East Coast Crips gang, and Kravetz “spoke closely with him” and with two other officers regarding the gang. Kravetz contacted East Coast Crips gang members “on a daily basis.” He routinely investigated crimes involving East Coast Crips gang members and was responsible for reviewing reports on crimes that were believed to be gang-related. He also worked closely with homicide detectives when a homicide was suspected to be related to a gang. He regularly spoke with community members and former gang members regarding gang crimes. He had conducted extensive research of different crime reports and had reviewed gang books. He had undergone considerable academic training regarding gangs, having completed a police academy gang course, an additional 40-hour class, and two 5-day gang seminars. This evidence established a sufficient foundation for Kravetz's opinion. (*People v. Gardeley*, *supra*, 14 Cal.4th at p. 620; *People v. Sengpadychith*, *supra*, 26 Cal.4th at p. 324; *People v. Martinez*, *supra*, 158 Cal.App.4th at p. 1330.) Evidence of the charged attempted murder, as well as two predicate convictions for murder and attempted murder committed by two other 118 East Coast Crips members (discussed *post*) provided specific examples of the gang's commission of one of the gang's primary activities. (See *People v. Duran*, *supra*, 97 Cal.App.4th at pp. 1465-1466; *People v. Vy*, *supra*, 122 Cal.App.4th at pp. 1225-1226; *People v. Martinez*, *supra*, at p. 1330.) Furthermore, unlike in *Alexander L.*, Kravetz was directly asked for his opinion on the gang's primary activities and

expressly answered. (See *People v. Martinez, supra*, at p. 1330; *People v. Margarejo* (2008) 162 Cal.App.4th 102, 106-108.)

Third, Oliver posits that Officer Kravetz’s testimony was insufficient because it was based on “nonspecific hearsay.” However, it is well-settled that a gang expert—like any expert—may rely upon hearsay, including information obtained from colleagues, gang members, and other persons, when formulating his or her opinion. (See Evid. Code, § 801, subd. (b); *People v. Gardeley, supra*, 14 Cal.4th at p. 618; *People v. Hill* (2011) 191 Cal.App.4th 1104, 1121; *People v. Duran, supra*, 97 Cal.App.4th at p. 1465.) As long as the threshold requirement of reliability is satisfied, “even matter ordinarily inadmissible, such as hearsay, can form the proper basis for an expert’s opinion testimony. [Citation.] Thus, a gang expert may rely upon conversations with gang members, on his or her personal investigations of gang-related crimes, and on information obtained from colleagues and other law enforcement agencies. [Citations.]” (*People v. Hill, supra*, at pp. 1121-1122.) Oliver fails to show, and nothing in the record suggests, that Officer Kravetz’s testimony regarding the gang’s primary activities was based on unreliable sources. The evidence was sufficient.

b. *The evidence was sufficient to establish the gang engaged in a pattern of criminal activity.*

Oliver next contends the evidence was insufficient to prove the requisite pattern of criminal gang activity. Again, we disagree. Section 186.22, subdivision (e) defines “ ‘pattern of criminal gang activity’ ” as gang members’ individual or collective “ ‘commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more’ ” enumerated “ ‘predicate offenses’ ” during a statutorily defined time period. (*People v. Gardeley, supra*, 14 Cal.4th at p. 620.) The predicate offenses must have been committed on separate occasions, or by two or more persons. (§ 186.22, subd. (e).) The charged crime may serve as a predicate offense, as can evidence of the offense with which the defendant is charged and proof of another offense committed on the same occasion by a fellow gang

member. (*People v. Duran, supra*, 97 Cal.App.4th at p. 1457; *People v. Bragg, supra*, 161 Cal.App.4th at p. 1400.)

The People presented certified copies of convictions suffered by Martel Fleming and Cedric Johnson for attempted murder and murder, respectively. Officer Kravetz opined that Fleming, who was convicted in 2006, was a member of the 118 East Coast Crips subset. Kravetz's opinion was based upon his discussions with two detectives, Fontes and Shear, regarding Fleming. Kravetz had also conducted his own research regarding Fleming's gang membership; he explained he had: "seen where he's been, where he hangs out and his associates are, all East Coast Crips." Kravetz likewise opined that Johnson was a 118 East Coast Crips gang member, based on "the same things, doing my own research, using department resources, and also speaking with Detective Shear [who] worked extensively on the case[.]"

Oliver complains this evidence was insubstantial because Kravetz had no personal knowledge that Fleming and Johnson were gang members. But, as we have explained, an expert is entitled to rely upon hearsay in forming opinions. (See *People v. Gardeley, supra*, 14 Cal.4th at p. 618; *People v. Hill, supra*, 191 Cal.App.4th at p. 1121; *People v. Sisneros* (2009) 174 Cal.App.4th 142, 153-154; *People v. Ramirez* (2007) 153 Cal.App.4th 1422, 1427.) Additionally, certified court records are admissible as official records to prove both the fact of a conviction and the commission of the underlying offense. (*People v. Duran, supra*, 97 Cal.App.4th at p.1461.)<sup>3</sup> The evidence was sufficient.

---

<sup>3</sup> In his opening brief, Oliver lists additional contentions that: (1) "the expert witness issued an inflammatory and prejudicial opinion" that the shooting was intentional and premeditated; and (2) "there was a violation of the confrontation clause" in regard to the gang expert's testimony. Apart from these bare assertions, Oliver offers no additional authority or argument on these points, which are therefore waived. (*People v. Jones* (1998) 17 Cal.4th 279, 304; *People v. Dixon* (2007) 153 Cal.App.4th 985, 996; *People v. Anderson* (2007) 152 Cal.App.4th 919, 929.)

**DISPOSITION**

The judgment is affirmed.

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

ALDRICH, J.

We concur:

KLEIN, P. J.

KITCHING, J.