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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ARNOLD T. HOWARD,

Defendant and Appellant.

B252234

(Los Angeles County
Super. Ct. No. MA059298)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Kathleen Blanchard, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

At about 3 a.m. on December 16, 2012, James Young was at his home in Palmdale with two female visitors, Cotton and Eve. The women went outside and returned with two men; all four were armed with guns. Young ran inside his bedroom and locked the door. He was told, “You better open up the door or we’re going to shoot.” Fearing for his life, Young ran out of the house through a sliding door in the bedroom. He called 911 while hiding in a neighbor’s yard.

Los Angeles County Sheriff’s deputies went inside the house with Young, who discovered that his wallet, TV, and weights were missing. Young identified Cotton in a photographic lineup. When he was shown a photographic lineup that included a photograph of defendant (no. 4), Young stated that three of the photographs (nos. 1, 2, and 4) resembled one of the male suspects.

Young showed Deputy Anthony Delia the apartments where Cotton and Eve lived. Defendant, who was present when Delia executed a search warrant at Eve’s apartment, tried to slam the door to keep him out. Delia saw defendant toss a gun into the living room before running into another room. Delia arrested defendant and recovered the gun. At the station, defendant gave a recorded statement.

In his statement, defendant admitted that he had gone to Young’s house with his friend Thing, his cousin Eve, and her friend Cotton. He admitted taking a gun into Young’s house, where they expected to take his money, crystal, powder, and weed. But when they entered Young’s house, Young ran into his room and closed the door. Thing was yelling at Young to open the door, but Young ran outside through a side door before Thing could kick down the bedroom door.

Defendant was charged with home invasion robbery (Pen. Code, § 211 (count 1)),¹ first degree burglary (§ 459; count 2), criminal threats (§ 422, subd. (a); count 3), and assault with a firearm (§ 245, subd. (a)(2); count 4). It was also alleged that he personally used a firearm within the meaning of section 12022.5, subdivision (a).

¹ All further statutory references are to the Penal code.

At trial, the prosecution played for the jury the recordings of Young's 911 call and defendant's interview statements. Delia and Young testified as prosecution witnesses. Young, who was in custody at the time of trial, was impeached with a first degree burglary conviction.

The jury found defendant guilty of first degree burglary (count 2), criminal threats (count 3), and assault with a firearm (count 4). It also found the personal firearm use allegations to be true.² The trial court imposed the mid-term of four years on count 2, first degree burglary, plus a consecutive 10-year firearm enhancement under section 12022.5, subdivision (a). The remaining sentences were stayed under section 654. Defendant filed a timely appeal from the judgment.

We appointed counsel to represent defendant on appeal. After reviewing the record, counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441. On July 2, 2014, we directed counsel to send the record on appeal and a copy of the opening brief to defendant. On that date, we also notified defendant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. We have received no response from him.

We have examined the entire record and are satisfied that defense counsel has fully complied with her responsibilities and that no arguable appellate issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

² The jury announced that it was hopelessly deadlocked on count 1, home invasion robbery. After polling the jury, the trial court declared a mistrial on count 1, which was dismissed on the prosecution's motion.

DISPOSITION

The judgment is affirmed.

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EPSTEIN, P. J.

We concur:

MANELLA, J.

COLLINS, J.