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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER JOSEPH  
COMPIAN,

Defendant and Appellant.

B282293

(Los Angeles County  
Super. Ct. No. VA138169)

APPEAL from a judgment after jury trial in the Superior Court of Los Angeles County, Raul A. Sahagun, Judge. Affirmed.

Joseph R. Escobosa, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Christopher Joseph Compian appeals from a final judgment of conviction for robbery (Pen. Code, § 211) and unlawful possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1)) following a jury trial. We affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I. Factual background**

On January 20, 2015, Compian's wife entered a Smart & Final grocery store where she selected various items, placed them in a shopping cart, and left without paying. When the cashier attempted to contact Compian's wife outside of the store, Compian intercepted the cashier and told her to "Back off." Compian then helped his wife load the stolen items into their car. Compian told another store employee who tried to contact Compian that he had "Better back up," as Compian pulled out what the employee believed to be a handgun<sup>1</sup> from his pocket. An officer who conducted a traffic stop on Compian's vehicle shortly thereafter recovered a revolver from Compian's pants pocket.

### **II. Procedural background**

On March 4, 2015, Compian was charged in felony information VA138169 with robbery (Pen. Code, § 211) and unlawful possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1)).

On December 12, 2016, a jury trial commenced.

On December 19, 2016, the jury returned guilty verdicts against Compian as to both charges.

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<sup>1</sup> The interaction between Compian and the witness was captured on video which was played for the jury. The witness was unable to see the handgun in the video and another bystander witness testified that Compian did not exhibit a gun during the incident. The jury at Compian's trial was unable to reach a verdict as to the gun use allegation.

On April 21, 2017, the court found Compian to have suffered two prior strike convictions, then dismissed one of the strikes as well as the gun use allegation in the interests of justice, ultimately sentencing Compian to a total term of 21 years four months in state prison. The defendant received a total of 945 days of pre-sentence credits.

On April 21, 2017, Compian timely filed a notice of appeal.

On December 8, 2017, court-appointed counsel for the defendant filed an opening brief and requested the court to conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On April 11, 2018, Compian filed a supplemental letter brief alleging that he received (1) ineffective assistance of trial counsel, (2) an unconstitutional sentence, and (3) ineffective assistance of appellate counsel.

### **DISCUSSION**

The defendant's claims are without merit. First, his contention that he received ineffective assistance of trial counsel is based on the fact that counsel did not request discovery of prior complaints against police officers "involved in this case" and that counsel did not "cross examine anyone on the witness stand properly." Compian does not indicate whether the proper foundation for such a discovery motion could be laid or in what specific way the questioning of witnesses by his attorney fell short of constitutional requirements. The court's independent review of the record does not reveal any deficiency on the part of Compian's attorney at trial.

Next, the defendant's contention relating to the constitutionality of his sentence consists of the heading "unconstitutional sentence" and citation to *Ramirez v. Castro* (9th Cir. 2004) 365 F.3d 755, 772, and *People v. Webster* (1991) 54 Cal.3d 411, 443, without any argument whatsoever. Nevertheless, after reviewing the cases cited by the defendant, the court does not see how they apply to Compian or the sentence imposed in this case.

Finally, Compian's contention that he has received ineffective assistance from appellate counsel is based on the fact that his attorney first contacted him by "non confidential legal mail," and that he "filed a [*Wende* brief]." These assertions do not support a finding of ineffective assistance. To the extent that this argument is a request to have new appellate counsel appointed, it is denied. "Although a defense attorney has a duty to advance all colorable claims and defenses, the canons of professional ethics impose limits on permissible advocacy. It is the obligation of any lawyer -- whether privately retained or publicly appointed -- not to clog the courts with frivolous motions or appeals. [A defendant] has no legitimate complaint that his lawyer refused to do so." (*Polk County v. Dodson* (1981) 454 U.S. 312, 323.)

Therefore, after our independent review of the record, we are satisfied appellant's attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

### **DISPOSITION**

The judgment following jury trial and resulting sentence is affirmed.

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DHANIDINA, J.\*

We concur:

EDMON, P. J.

EGERTON, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution