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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.

VERMERCEDES VAUGHN,

Defendant and Appellant.

B267752

(Los Angeles County
Super. Ct. No. BA422245)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Jose Sandoval, Judge. Affirmed.

Nadezhda M. Habinek, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On April 24, 2014, following a preliminary hearing, defendant and appellant Vermercedes Vaughn was charged with selling marijuana in violation of Health and Safety Code section 11360, subdivision (a). A *Pitchess* motion¹ was granted and several items of discoverable material were ordered disclosed to Vaughn.

On August 28, 2014, Vaughn's counsel declared a doubt as to Vaughn's competency to stand trial and criminal proceedings were suspended pursuant to Penal Code section 1368.² On September 30, 2014, both parties stipulated to the report of Dr. Jack Rothberg finding that Vaughn was currently incompetent to stand trial due to his schizophrenia, but that he could become competent if provided with treatment, including the prescription of antipsychotic medication. Although the trial court issued an order that the medication could be given involuntarily if necessary, the records from Patton State Hospital (where Vaughn was sent for stabilization and restoration of competency) indicate that he took the prescribed medication voluntarily.

On July 29, 2015, Vaughn was certified competent to stand trial. A jury trial was then held in early October 2015, at which the following testimony was presented.

Los Angeles Police Department Detective Edgar Ramos testified that on March 6, 2014, he was working as part of an undercover narcotics street buy operation in Hollywood. Ramos approached Vaughn and asked if he had "a dime," street slang for \$10 worth of drugs. Vaughn answered "yeah," asked Ramos for

¹ *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

² All further statutory references are to the Penal Code unless otherwise specified.

the money, and then told Ramos to follow him. The \$10 bill Ramos handed Vaughn had been prerecorded. Vaughn entered a liquor store and picked up a blank lottery ticket. He then walked back outside and produced a black canister which contained a green leafy substance. Vaughn opened the canister, poured some of its contents onto the lottery ticket and handed the ticket to Ramos. Ramos walked away and signaled other members of his team to make an arrest.

Officer Dana Johnson was working as a uniformed “chase officer” that day, driving a marked police vehicle. Johnson detained Vaughn and searched him, recovering \$17 (which included Ramos’s prerecorded \$10 bill) and a black canister containing a green leafy substance.

Criminalist Kevin Hollomon testified the substance Vaughn had given to Ramos contained .57 grams of marijuana, and the black canister contained .053 grams of marijuana.

Vaughn did not testify. The jury convicted him of selling marijuana (Health & Saf. Code, § 11360, subd. (a)). The trial court sentenced Vaughn to two years in county jail pursuant to section 1170, subdivision (h), with presentence custody credits in the amount of 614 days.

We appointed counsel to represent Vaughn 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. We directed counsel to send the record on appeal and a copy of the opening brief to Vaughn, and notified defendant he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No supplemental brief was filed.

We are satisfied that appellate counsel has fully complied with his responsibilities and that no arguable appellate issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278 [120 S.Ct. 746]; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

DISPOSITION

The judgment is affirmed.

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EDMON, P. J.

We concur:

LAVIN, J.

STRATTON, J.*

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