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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

REYNALDO ABRAM LUNA,

Defendant and Appellant.

B282512

(Los Angeles County  
Super. Ct. No. SA093772)

THE COURT:\*

Defendant and appellant Reynaldo Abram Luna (appellant) appeals the judgment entered following a jury trial in which he was convicted of one count of second degree robbery in violation of Penal Code section 212.5, subdivision (c),<sup>1</sup> and one count of

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\* LUI, P.J., CHAVEZ, J., HOFFSTADT, J.

<sup>1</sup> Further undesignated statutory references are to the Penal Code.

assault with a deadly weapon in violation of section 245, subdivision (a)(1). The jury found true the allegation that appellant personally used a deadly or dangerous weapon (a knife) in the commission of the robbery. (§ 12022, subd. (b)(1).) The trial court imposed the low term of two years in state prison for the robbery conviction, stayed a sentence of two years for the assault with a deadly weapon conviction, and stayed the one-year enhancement for the personal use of a knife. The court awarded total credits of 290 days, consisting of 253 days actual custody and 37 days conduct credit.

Appellant timely appealed the judgment of conviction, and we appointed counsel to represent him on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).)

### **FACTUAL BACKGROUND**

On January 26, 2016, the manager of the Trader Joe's on National Boulevard in Los Angeles asked assistant manager Sara Rangel to monitor a "suspicious character" in the frozen food aisle who had a large quantity of alcohol in his shopping cart. When Rangel saw appellant in the frozen food aisle, his shopping cart was almost empty and he had a backpack on top of the cart in the child seat. Rangel watched appellant take a bottle of tequila from the bottom of the cart and place it in the backpack, which was bulging with other items. Appellant then zipped the backpack closed, slung it over his shoulder, and hurried out of the store without paying for any merchandise. Rangel followed appellant into the store's parking lot as she yelled at him to stop. Appellant began to run and Rangel chased after him.

At the edge of the parking lot, appellant ran past Edwin Romero, who was arriving for his shift at Trader Joe's. After

Rangel explained what had happened, Romero took up the chase through the alley behind the store. Romero was running about two feet behind appellant yelling at him to stop when suddenly appellant came to a halt and turned toward Romero. Thrusting a three-inch knife with a black handle at Romero, appellant said, “Stop. Stop chasing me.” Romero called back to Rangel, who was about 10 feet away, “Sara, he has a knife!” Rangel stopped running, pulled out her phone, and called 911.

As appellant fled, Romero ran back to his car and took up the pursuit in his car. Romero pulled up next to appellant, stepped out of his car, and tried to convince appellant to turn over the backpack, but appellant refused. Romero took a picture of appellant and called 911 as he returned to his car and continued to follow appellant through the neighborhood. Eventually appellant ran inside the parking structure of an apartment complex, and Romero lost sight of him.

Police used the picture taken by Romero to identify and arrest appellant about seven months after the robbery. At the time of his arrest, appellant acknowledged he was wearing the same shoes that appeared in the photograph Romero had taken, and he did not dispute that he was the person depicted in the picture.

### **DISCUSSION**

We have examined the entire record and are satisfied that appellant’s attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110; *Wende, supra*, 25 Cal.3d at p. 441.)

### **DISPOSITION**

The judgment is affirmed.

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