

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

THE PEOPLE,

Plaintiff and Respondent,

v.

IKE CURRY,

Defendant and Appellant.

B236763

(Los Angeles County
Super. Ct. No. BA375101)

APPEAL from a judgment of the Superior Court of Los Angeles County. Rand S. Rubin, Judge. Affirmed.

John Alan Cohan, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

On November 17, 2008, a confidential informant equipped with a hidden video camera bought \$50 worth of rock cocaine from appellant Ike Curry as part of a joint FBI-LAPD drug sting operation. In order to avoid compromising the investigation, Curry's arrest was delayed until November 2010, after bigger fish involved in the drug operation were also arrested.

Curry was charged with one count of selling cocaine base (Health & Saf. Code, § 11352, subd. (a)), along with two Three Strikes allegations. Despite the trial court's admonishments concerning the risks of self-representation, Curry waived his right to counsel and chose to act as his own lawyer, claiming that he "beat 18 felonies here in the criminal courts building." However, standby counsel was appointed and attended the trial.

The evidence at trial included the testimony of the informant, who said she had been searched by the police to be sure she had no drugs in her possession, and was then wired with audio and video recording equipment and given \$50 to buy rock cocaine at a designated location. Using street vernacular, the informant told Curry she wanted to buy \$50 worth of rock cocaine. Curry pulled a substance from his mouth and handed it to the informant, who then gave Curry \$50. The informant returned to the police officers and handed them the substance, which later testing showed was 0.32 grams of rock cocaine. Two police officers and an FBI agent who directed the sting testified to these events. The video and audio recordings of the transaction were played for the jury, and still photos captured from the video were also shown to the jury.

Curry did not testify. His court-appointed investigator did, but offered little help except to note that the still photos – which Curry claimed had been altered – were darker and less distinct than the video images from which they had been taken. The investigator also testified that the videotape was clear and precise. When asked to compare some of the photographs with their video image counterparts, he admitted that the photos appeared to be images from the video recording. He also acknowledged that some of the terminology used in the video sounded like a drug transaction was taking place.

The jury convicted Curry of the drug sales charge. The prosecution had earlier dismissed one of the two Three Strikes allegations. Curry waived his right to a jury trial on the truth of the remaining Three Strikes allegation – a 1979 conviction for assault with intent to commit rape (Pen. Code, § 220) and oral copulation on someone under age 14 (§ 288a, subd. (c)). The trial court found the allegation was true and imposed a four-year midterm sentence, which was doubled to eight years under Three Strikes.

Curry filed a notice of appeal. On February 6, 2012, his appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he had reviewed the record and had sent Curry a letter advising him that such a brief would be filed and that he could file a supplemental brief if he chose to. That same day, this court sent Curry a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief raising any issues he wanted us to consider. Curry asked for and was given three extensions of time to file a supplemental brief, but no such brief was ever filed.

We have examined the entire record and are satisfied that Curry’s attorney has fully complied with his responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment is affirmed.

RUBIN, Acting P. J.

We concur:

FLIER, J.

SORTINO, J.*

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