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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.

JHAVON AKEEM PERRY,

Defendant and Appellant.

B281671

(Los Angeles County  
Super. Ct. No. LA083465)

APPEAL from a judgment of the Superior Court of Los Angeles County, Joseph Brandolino, Judge. Affirmed.

Ava R. Stralla, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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## INTRODUCTION

Jhavon Akeem Perry appeals from the February 28, 2017 judgment of conviction of one count of second degree robbery. (Pen. Code, §§ 211/212.5, subd. (c).)<sup>1</sup> Following our independent examination of the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we conclude no arguable issues exist. Accordingly, we affirm.

## PROCEDURAL BACKGROUND

By information dated June 20, 2016, defendant was charged with one count of second degree robbery. (Pen. Code, §§ 211/212.5, subd. (c).)

Viewed in accordance with the usual rules of appellate review (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206), the evidence established the following:

In the early afternoon of May 19, 2016, Melanie Blume and her mother, Gisele Blume-Ghazarian, were sitting across from each other at a high-top table near the main entrance of a Panda Express in the West Hills mall. Both had placed their purses on a chair to Blume's right. Defendant stopped by the purse-laden chair, leaned over Blume, and said, " 'You just got your purse jacked.' " Defendant grabbed Blume's purse by its strap from the chair, slung the strap over his right shoulder with the purse across his body, ran out the main door of the restaurant, and turned right.

Both Blume and Blume-Ghazarian chased after him. Blume grabbed the back of defendant's shirt, but let go when he turned around, "lifted his right arm and made a fist that was

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

pointing at my face.” Defendant struck Blume’s right shoulder with his closed fist. Blume-Ghazarian grabbed the purse and held onto it as defendant started running, causing her to be dragged for about 15 feet on the pavement before the strap broke and she let go.

Defendant turned and ran through the parking lot to a public sidewalk. Brendon Lau, a Panda Express employee, and Rudolph Perez, a Panda Express customer, ran after defendant.

When Lau reached defendant, defendant thrust the purse at Lau and continued to run. Although Blume, Blume-Ghazarian and Lau returned to the mall, Perez continued to follow defendant. During the pursuit, Perez telephoned 911 and made sure that he kept defendant in his sight. An audio recording of Perez’s call was played for the jury; during his call, Perez told the 911 operator where defendant was and the direction in which defendant was going.

Sergeant Jeff Collado of the Los Angeles Police Department responded to Perez’s 911 call; Perez told the officer that defendant was in the play area of Shadow Ranch Park. Sergeant Collado soon detained and then arrested defendant. Within minutes, two officers drove Blume and Blume-Ghazarian in separate police vehicles to the park. Each victim independently identified defendant in a one-person field show-up.

The parties stipulated that defendant was not armed.

Blume valued her handbag and its contents at about \$2,000. The handbag cost \$1,200; her phone was worth \$100; the wallet was worth about \$500; and there was more than \$200 in her wallet.

When Blume and Blume-Ghazarian returned to Panda Express, paramedics had arrived; they recommended that Blume-

Ghazarian go to the hospital for treatment of her knee injuries. At the time of trial, Blume-Ghazarian's knee remained bruised and a scar was visible. She also sustained scratches on her hands, and bruises and swelling on her elbow. Blume sustained a bruise on her shoulder.

Over defense objection, the court allowed the introduction of propensity evidence to show intent, and instructed the jury with a limiting instruction. Andrew T., a high school student, testified that on June 8, 2015, in the late afternoon, he was sitting in the same outdoor mall, looking at the cell phone in his hand. He felt a slap on his hand and his phone fell to the ground. A tall Black male with facial hair grabbed the cell phone off the ground, said, " 'You just got jacked,' " and rode off on his bicycle. Andrew telephoned the police and tracked his cell phone through the "Find-my-iPhone" application to defendant's residence. Police officers discovered Andrew's cell phone and his SIM card in defendant's residence. After officers recovered the cell phone and placed the SIM card in the phone, Andrew was able to use his pass code to open and use the phone.

Among other instructions given, the court instructed the jury with CALCRIM No. 375, evidence of an uncharged offense to prove defendant's intent; with CALCRIM No. 1600 as to robbery; and with CALCRIM No. 460 as to attempted robbery.

On February 28, 2017, the jury found defendant guilty of one count of second degree robbery. (§§ 211/212.5, subd. (c).)

On March 28, 2017, the trial court denied probation and imposed the middle term of three years, awarding defendant credit for 361 days, comprised of 314 actual days plus 47 days of good time/work time credit. The court imposed the following fines: a \$40 court operations assessment; a \$30 conviction fee; a

\$40 security fee; a \$10 crime prevention fee; a \$300 restitution fine (§ 1202.4, subd. (b)); and a \$300 parole revocation fine, stayed, plus assessments.<sup>2</sup> The court found defendant in violation of probation and terminated probation in three cases: Case Nos. 4PY02855, 5PY04349, and LA081151.

### DISCUSSION

Defendant timely appealed. After review of the record, defendant's court-appointed counsel filed an opening brief, asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d 436. By letter dated July 21, 2017, we advised defendant that he had 30 days within which to submit any contentions or issues that he wished us to consider. Defendant has not filed a supplemental brief.

We have examined the entire record and are satisfied that no arguable issues exist, and that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.

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<sup>2</sup> The court did not impose a victim restitution fine. (§ 1202.4, subd. (f).)

**DISPOSITION**

The judgment is affirmed.

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EDMON, P. J.

We concur:

LAVIN, J.

DHANIDINA, 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.