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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JORGE MEDINA,

Defendant and Appellant.

B242226

(Los Angeles County
Super. Ct. No. TA117707)

APPEAL from a judgment of the Superior Court of Los Angeles County. Eleanor J. Hunter, Judge. Affirmed.

Matthew Alger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

An information, filed on August 9, 2011, charged Jorge Medina with one count of murder (Pen. Code, § 187, subd. (a))¹ and one count of attempted murder (§§ 664, 187, subd. (a)). The information specially alleged as to both counts that, while committing the offenses, Medina personally and intentionally discharged a firearm within the meaning of section 12022.53.

According to the evidence presented by the People at trial, Medina's friend, Victor Ayala, dated a woman for approximately four years and had two children with her. When Ayala and the woman broke up, she started dating another man. On April 17, 2011, a friend drove Medina and Ayala to the area where they believed they would find the new boyfriend. Medina was in the front passenger seat, and Ayala was in the back seat. They planned to shoot the new boyfriend. Medina agreed to do the shooting. While in the area, they saw several men standing outside an apartment building, one who had taken Medina's cellular telephone a month earlier. After his friend circled the block, Medina fired five shots. Jesus De la Cruz, the man who had taken Medina's cellular telephone, died of a gunshot wound to the chest. Jesse Herrera, who ran when he saw a gun pointed at him, suffered a gunshot wound to his foot. Medina did not present any evidence in defense.

The jury convicted Medina of the first degree murder of De la Cruz and the willful, deliberate and premeditated attempted murder of Herrera. It found true the firearm use enhancements under section 12022.53. The trial court sentenced Medina to state prison for 82 years to life, consisting of 25 years to life for the first degree murder, plus 25 years to life for the section 12022.53, subdivision (d), enhancement, and a consecutive term of seven years to life for the willful, deliberate and premeditated attempted murder, plus 25 years to life for the section 12022.53, subdivision (d), enhancement. As to both counts, the court stayed imposition of the additional firearm use enhancements under section 12022.53, subdivisions (b) and (c).

¹ Statutory references are to the Penal Code.

We appointed counsel to represent Medina in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On December 27, 2012, we directed appointed counsel to immediately send the record on this appeal and a copy of the opening brief to Medina and notified Medina that he had 30 days to submit by letter or brief any ground of appeal, contention or argument he wished us to consider. We did not receive a response.

We have reviewed the entire record on appeal. The evidence presented at trial is sufficient to support Medina's convictions. (See *People v. Johnson* (1980) 26 Cal.3d 557, 578.) Based on our analysis of the record, we are satisfied that Medina's appointed counsel on appeal has fully complied with his responsibilities and that no arguable appellate issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, Acting P. J.

We concur:

CHANEY, J.

JOHNSON, J.