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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JIMMIE L. CARTER,

Defendant and Appellant.

B238232

(Los Angeles County  
Super. Ct. No. MA052761)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
John Murphy, Judge. Affirmed.

Marilee Marshall & Associates, Inc., and Christine Aros, under appointment  
by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

After a jury found defendant Jimmie L. Carter guilty of robbery (§ 211),<sup>1</sup> with the finding that a principal was armed with a firearm (§ 12022, subd. (a)(1)), a bench trial was conducted on allegations regarding a prior conviction. The trial court found that defendant had been convicted in 1998 of robbery, denied his oral *Romero*<sup>2</sup> motion, and sentenced him to a 17-year state prison term. We affirm.

The evidence at trial established that defendant and Wayne Jones committed a robbery at Camacho Auto Sales in Lancaster on May 7, 2011.<sup>3</sup> That day, defendant, who had recently purchased a car from the business, came to the establishment to make a payment on his car. After he left, Jones entered, and pointing a gun at the receptionist, took between \$800 and \$1,000. As the robbery took place, defendant circled the area in his car several times. After taking the money, Jones exited and entered the passenger side of defendant's car which drove off. All of these events were videotaped.

Several days later, law enforcement arrested defendant and Jones in defendant's car. The car was eventually taken to one of Camacho's lots. Subsequently, two Camacho Auto Sales employees (a licensed recovery agent and a repossession agent) searched the car and found, hidden in the back of the passenger seat, the gun Jones had used in the robbery.

In the bench trial, the People produced a certified copy of a section 969b packet regarding defendant's 1998 robbery conviction. The packet included a photograph of the convicted individual that the trial court found "is the Mr. Carter who is here before the court." In addition, Deputy Sheriff Ronald Ducat, a trained

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

<sup>2</sup> *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

<sup>3</sup> Jones was jointly charged with defendant but pled guilty.

latent print examiner who had examined more than one thousand sets of fingerprints, testified that he compared a set of defendant's prints to the prints in the packet and concluded that "[t]hey are one and the same person." Based upon this evidence, the trial court found that defendant was the individual identified in the packet.

After review of the record, defendant's court-appointed appellate counsel filed an opening brief asking this court to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441.

Thereafter, defendant filed two supplemental briefs<sup>4</sup> in which he raised three contentions: (1) the evidence is insufficient to sustain his robbery conviction on a theory of aiding and abetting; (2) the trial court erred when, over defense counsel's objection, it permitted the prosecution to introduce into evidence the gun that had been discovered in defendant's car which Jones had used to commit the robbery; and (3) the evidence is insufficient to sustain the trial court's finding that defendant had suffered the 1998 robbery conviction.

We have examined the entire record and are satisfied that no arguable issues (including the three raised by defendant) 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>4</sup> The first is dated August 1, 2012; the second is dated August 13, 2012.

**DISPOSITION**

The judgment is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.