

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY KIMMO KENDRICK,

Defendant and Appellant.

2d Crim. No. B271845  
(Super. Ct. No. 2015023324)  
(Ventura County)

Gregory Kimmo Kendrick appeals a judgment following conviction of possessing a firearm on college or university grounds, possessing a weapon on college or university grounds, carrying a concealed firearm within a vehicle, possession of a nunchaku, possession of a billy club, and driving without a license. (Pen. Code, §§ 626.9, subd. (h), 626.10, subd. (b), 25400, subd. (a)(1), 22010, 22210; Veh. Code, § 12500, subd. (a).)<sup>1</sup> We affirm.

---

<sup>1</sup> All further statutory references are to the Penal Code unless stated otherwise.

### *FACTUAL AND PROCEDURAL HISTORY*

On July 22, 2015, at approximately 2:40 a.m., California State University Channel Islands Police Officer Steve Osman patrolled the university campus. He saw Kendrick's "lifted" pickup truck driving on Camarillo Street and entering the campus. The license plate of the truck was obscured by an ornamental frame and the plate was not illuminated. Kendrick drove "erratic[ally]" along the street: "[H]e stopped for quite a long time at the stop sign. And when he took off, he accelerated, and the truck jerked to the left, and then he overcorrected to the right."

Osman followed Kendrick's truck for a short distance and then initiated a traffic stop. When asked for his driver's license, Kendrick produced an expired California driver's license. Kendrick wore leather gloves and reached toward the backseat floorboard several times during the stop. Osman repeatedly instructed Kendrick to place his hands on the steering wheel or windowsill.

Osman asked Kendrick if he possessed any weapons in the truck. Kendrick replied that he had a loaded .45 caliber handgun behind the driver's seat. Osman then called for officer assistance and directed Kendrick to step outside the truck.

Kendrick agreed to allow Osman to search the truck. Behind the driver's seat, Osman found a loaded .45 caliber handgun in a brown bag. There were 13 rounds of ammunition in the handgun, one round in the chamber, and the handgun safety was off. The firearm was "ready to shoot." Osman and a second police officer then found three handguns, a rifle, handcuffs, a large military-type knife, boxes of ammunition, a sword, other

knives, a nunchaku, a cattle prod, and a billy club scattered throughout the truck.

Kendrick informed Osman that he was driving from Oregon to Mexico and that he planned to spend the night in Malibu. He acknowledged that he was driving on a university campus, and explained that he had taken “a wrong turn.” Despite parking lots and driveways that allowed Kendrick to turn around and leave the area, he continued to drive through the campus.

The university campus had four marked entrances, each entrance marked with a reflective sign stating that firearms were not permitted on campus. Other signs also indicated that the area was a university campus. The trial court admitted photographic evidence of the various signs into evidence.

Kendrick testified that he was driving from Oregon to Mexico and intended to leave his weapons with a relative in Southern California. He stated that he was driving to Malibu to stay for the night and became lost. Kendrick testified that he did not see the university signs and believed that he could “cut down” to Malibu by driving on Camarillo Street.

Kendrick also testified that he used the item characterized as a billy club to “pound” his injured leg “to make it work again.” He also explained that he intended to use the nunchaku for exercise. Kendrick stated that he had reached for his cane in the backseat during the traffic stop.

The jury convicted Kendrick of possessing a firearm on college or university grounds, possessing a weapon on college or university grounds, carrying a concealed firearm within a vehicle, possession of a nunchaku, possession of a billy club, and driving without a license. (§§ 626.9, subd. (h), 626.10, subd. (b),

25400, subd. (a)(1), 22010, 22210; Veh. Code, § 12500, subd. (a).) The trial court sentenced Kendrick to a middle term of three years in county jail for possessing a firearm on college or university grounds (count 1), and imposed county jail sentences to be served concurrently for the remaining counts. The court also imposed a \$1,500 restitution fine and a \$300 public defender fee, and awarded Kendrick 437 days of presentence custody credit.

Kendrick appeals and contends that insufficient evidence supports his conviction.

### *DISCUSSION*

Kendrick argues that the evidence is insufficient to establish that he knew or reasonably should have known that he was on a university campus. He points out that he was driving through an agricultural area in the dark, did not see the university signage, and admitted that he was lost, having taken “a wrong turn.” For this reason, Kendrick contends that his conviction denies him due process of law. (*Jackson v. Virginia* (1979) 443 U.S. 307, 316 [due process of law requires that “no person shall be made to suffer the onus of a criminal conviction except upon sufficient proof -- defined as evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense”].)

In reviewing the sufficiency of evidence to support a conviction, we examine the entire record and draw all reasonable inferences therefrom in favor of the judgment to determine whether there is reasonable and credible evidence from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. (*People v. Rangel* (2016) 62 Cal.4th 1192, 1212; *People v. Johnson* (2015) 60 Cal.4th 966, 988.) Our review is the

same in a prosecution primarily resting upon circumstantial evidence. (*Johnson*, at p. 988; *People v. Watkins* (2012) 55 Cal.4th 999, 1020.) We do not redetermine the weight of the evidence or the credibility of witnesses. (*People v. Albillar* (2010) 51 Cal.4th 47, 60; *People v. Young* (2005) 34 Cal.4th 1149, 1181 ["Resolution of conflicts and inconsistencies in the testimony is the exclusive province of the trier of fact"].) We must accept logical inferences that the jury might have drawn from the evidence although we would have concluded otherwise. (*People v. Hajek and Vo* (2014) 58 Cal.4th 1144, 1183, overruled on other grounds by *People v. Rangel*, *supra*, 62 Cal.4th 1192, 1216.) "If the circumstances reasonably justify the trier of fact's findings, reversal of the judgment is not warranted simply because the circumstances might also reasonably be reconciled with a contrary finding." (*Albillar*, at p. 60.)

The sufficiency of evidence in a particular case depends upon the factual circumstances in that case. (*People v. Thomas* (1992) 2 Cal.4th 489, 516.) A finding of sufficiency in one case does not suggest that weaker factual circumstances in another case will not support a conviction. (*Ibid.*) In our review, we focus upon the evidence that was presented, rather than evidence that might have been but was not presented. (*People v. Story* (2009) 45 Cal.4th 1282, 1299.)

The elements of a violation of section 626.9, subdivision (b) are: 1) the defendant possess a firearm; 2) in an area the defendant knows or reasonably should know is a school zone; 3) without permission of school authorities. (*People v. Tapia* (2005) 129 Cal.App.4th 1153, 1159.) Section 626.9, subdivision (h) requires a university or college to "post a prominent notice at primary entrances on noncontiguous

property stating that firearms are prohibited on that property pursuant to this subdivision.”

Sufficient evidence exists that Kendrick knew or reasonably should have known that he was driving within a university campus. He drove by signage, photographs of which were admitted into evidence at trial, indicating that he was entering the university and that firearms were prohibited. He acknowledged to Osman that he knew that he was driving within the university campus; he also admitted this at trial. Despite opportunities to return to the freeway, Kendrick continued driving within the campus. The trial court instructed that the jury must determine whether Kendrick “knew or reasonably should have known” that he was on the grounds of a state university. The jury was free to reject Kendrick’s testimony that he was driving on a dark road and did not see the university signage. We do not reweigh the evidence, reevaluate the credibility of witnesses, or substitute our views for the reasonable findings of the trier of fact. (*People v. Albillar, supra*, 51 Cal.4th 47, 60.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

GILBERT, P. J.

We concur:

YEGAN, J.

TANGEMAN, J.

Bruce A. Young, Judge  
Superior Court County of Ventura

---

Laurie A. Thrower, under appointment by the Court  
of Appeal, for Defendant and Appellant.

Kathleen A. Kenealy, Acting Attorney General,  
Gerald A. Engler, Chief Assistant Attorney General, Lance E.  
Winters, Senior Assistant Attorney General, Victoria B. Wilson,  
Supervising Deputy Attorney General, Lindsay Boyd, Deputy  
Attorney General, for Plaintiff and Respondent.