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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

AHJEEB JAMAL BOYD,

Defendant and Appellant.

B272059

(Los Angeles County
Super. Ct. No. BA438587)

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

Maxine Weksler, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for respondent.

Ahjeeb Jamal Boyd pled no contest to two counts of attempted murder (Pen. Code, §§ 664, 187, subd. (a)). He further admitted the offenses were committed for the benefit of, at the direction of, or in association with a criminal street gang. (Pen. Code, § 186.22, subd. (b)(1).) Pursuant to the plea agreement, the trial court sentenced Boyd to a 12-year prison term. We affirm.

FACTS

On April 11, 2015, Boyd, a self-admitted member of the “Five Deuce Hoovers” gang, approached a car at a gas station.¹ Two passengers were inside the car; one of the passengers was wearing attire associated with a rival gang. Boyd kicked and hit the vehicle and tried to “get at” the passengers. When he was unable to reach the individuals inside the car, Boyd picked up a gas pump, poured gasoline on the car, and set the car on fire. The passengers fled. Boyd drove away. His actions were captured on surveillance video. The incident happened on the rival gang’s “hood day,” a day in which a gang celebrates, and which often leads to confrontations with other gangs. The incident also took place in an area disputed between the two gangs.

The People charged Boyd with two counts of attempted murder (§§ 664, 187, subd. (a); counts 1 and 2) and felony arson (§ 451, subd. (d); count 3). Gang enhancements were alleged as to all counts. The People further alleged the attempted murders were committed willfully, deliberately, and with premeditation. The People made an original settlement offer of a prison term of 15 years and eight months on counts one and two, with an

¹ Shortly before Boyd approached the car, the driver, who was pumping gas, fled. The driver was a member of a gang that is a rival of Boyd’s gang.

admission of the gang allegation. Boyd countered with 12 years. The People accepted the counteroffer, agreeing to strike the willful, deliberate and premeditated allegation and dismiss the arson charge. After full advisements, Boyd pled no contest to two counts of attempted murder and admitted the gang enhancement.

The court explained the sentence: “The way we get to 12 years as I see this is mid term of seven years on the underlying count plus the - - this is a serious felony so it will be five years for or under 186.22(b)(1)(B) for 12 years . . . and the other count is to run concurrent” The court sentenced Boyd accordingly. The court awarded Boyd 386 days of conduct and custody credits, imposed a victim restitution fine of \$400 (Pen. Code, § 1202.4, subd. (b)), imposed and stayed a parole revocation fine (Pen. Code, § 1202.45), and assessed a criminal conviction and facility assessment of \$30 per count (Gov. Code, § 70373) and a court security fee of \$40 per count (Pen. Code, § 1465.8, subd. (a)(1)).

DISCUSSION

Boyd filed a timely notice of appeal. In the notice, Boyd indicated he was appealing his sentence because the court imposed five additional years due to the gang enhancement. Upon receiving the notice of appeal, the trial court issued an order noting a certificate of probable cause was required to allow the appeal to proceed. The court, after a review of the record, denied a certificate of probable cause. The court noted Boyd specifically admitted the gang allegation at the time of his plea and his counsel stipulated to a factual basis for the plea. The court further noted the reporter’s transcript showed there was discussion in the defendant’s presence of the sentencing effects of the gang allegations. In addition, the court explained Boyd was

specifically advised that his sentence would be 12 years, five of which were for the gang enhancement, and this sentence was the defense counteroffer to the People's original offer.

We appointed appellate defense counsel. On November 18, 2016, appellant's appointed counsel filed an opening brief raising no issues pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On the same day, we notified appellant by letter that he could submit within 30 days any ground of appeal, contention, or argument which he wished us to consider. Boyd did not submit any ground of appeal, contention, or argument, or otherwise respond to our letter. We have independently reviewed the record submitted on appeal and are satisfied that appellant's appointed counsel has fulfilled his duty, and that no arguable issues exist. (See *People v. Wende, supra*, 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106.)

DISPOSITION

The judgment is affirmed.

BIGELOW, P.J.

We concur:

GRIMES, 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.