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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ALBERTO MARTINEZ-JARA,

Defendant and Appellant.

B290347

(Los Angeles County
Super. Ct. No. GA100947)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Michael Villalobos, Judge. Affirmed.

Nicholas Seymour, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Alberto Martinez-Jara appeals from the judgment after a jury convicted him of carjacking and assault with a firearm and found true the allegation he personally used a firearm in committing the offenses. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Martinez-Jara was arrested after he took a car from a 71-year-old woman at gunpoint. After the arrest, an officer advised Martinez-Jara of his rights to remain silent, to an attorney, and, if indigent, to appointed counsel. (See *Miranda v. Arizona* (1966) 384 U.S. 436 [86 S.Ct. 1602, 16 L.Ed.2d 694].) Martinez-Jara waived these rights and admitted he had carjacked the car using the handgun the police recovered from his backpack.

The People charged Martinez-Jara with one count of carjacking against a person who is 65 years or older. (Pen. Code, §§ 215, subd. (a), 667.9, subd. (a))¹ and one count of assault with a firearm (§ 245, subd. (a)(2)). The People alleged as to both counts that Martinez-Jara personally used a firearm within the meaning of sections 12022.53, subdivision (b), and section 12022.5, subdivision (a).

¹ Statutory references are to the Penal Code.

The jury convicted Martinez-Jara on both counts and found true the firearm allegations. The jury found not true the elderly victim allegation.

One of the issues discussed at the sentencing hearing was whether the court should dismiss the firearm enhancements. The court ultimately declined to dismiss the enhancements. The court sentenced Martinez-Jara to 13 years in prison, consisting of the lower term of three years for carjacking plus 10 years for the firearm enhancement under section 12022.53, subdivision (b). The court imposed and stayed under section 654 execution of the sentence for assault with a firearm and the firearm enhancement under section 12022.5, subdivision (a). Martinez-Jara filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent Martinez-Jara on appeal. After reviewing the record, counsel filed an opening brief raising no issues. On August 31, 2018 we advised Martinez-Jara he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider. We have not received a response.

We have examined the record and are satisfied that appellate counsel for Martinez-Jara has complied with his responsibilities and that there are no arguable issues. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed.

SEGAL, J.

We concur:

ZELON, Acting P. J.

FEUER, J.