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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DELWAN TEAZO BLAZER,

Defendant and Appellant.

A146246

(Solano County
Super. Ct. No. FCR304207)

Defendant Delwan Teazo Blazer appeals from a judgment of conviction following a jury trial. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

BACKGROUND

Following a preliminary hearing, Blazer was charged in a six-count information with two counts of attempted murder, two counts of assault with a semi-automatic firearm each enhanced for his personal use of the firearm, unlawful driving or taking of a vehicle and possession of a firearm by a felon in violation of Penal Code section 29800, subdivision (a)(1).¹ All counts were also enhanced due to Blazer's previous conviction of a serious or violent felony as provided in section 667, and due to his confinement in state prison within five years of the alleged offenses as provided in section 667.5. The

¹ All statutory citations are to the Penal Code.

prosecution moved to amend the information, and an additional count was added to allege shooting at an occupied vehicle with the same enhancements as all the other alleged crimes.

When trial began, the prosecution dismissed one of the attempted murder counts and the count alleging unlawful taking or driving a vehicle. After a six-and-a-half day trial, the jury found Blazer guilty of possession of a firearm by a felon in violation of section 29800, subdivision (a)(1) and acquitted him of all other charges. The court found true the enhancement allegations that Blazer suffered a prior conviction for a serious or violent felony and had served two prior prison terms.

Blazer moved in the interests of justice to dismiss the prior convictions that served as the basis for the enhancements. He also moved to dismiss one of the strikes, a second degree burglary, because there was no record his plea was based on a knowing and intelligent waiver of his constitutional rights. The court declined to exercise its discretion to dismiss any of the prior convictions in the interests of justice, and found no factual basis to conclude Blazer did not make a knowing and intelligent waiver in his plea to second degree robbery.

The court sentenced Blazer to the upper term of three years for being a felon in possession of a firearm, doubled for the prior strike conviction, and added to that a year for each of the prior prison terms for a total sentence of eight years in prison. He was awarded 1,261 days of pre-sentence credits and fees and fines were imposed in lawful measure. His appeal was timely.

DISCUSSION

Blazer testified in his own defense and essentially said he shot at two men in a parked car in the mistaken belief that they were gang members who were seeking to take revenge against him for providing testimony against a gang member in a previous murder trial. In the course of his testimony, he admitted being a felon in possession of a firearm. There was no error.

Blazer's counsel has represented that he advised Blazer of his intention to file a *Wende* brief in this case and of Blazer's right to submit supplemental written argument on

his own behalf. He has not done so. Blazer has also been advised of his right to request that counsel be relieved.

Our full review of the record reveals no issue that requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, J.

We concur:

McGuinness, P.J.

Pollak, J.

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