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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**THE PEOPLE,**

**Plaintiff and Respondent,**

**A147961**

**v.**

**(Solano County  
Super. Ct. No. VCR219509)**

**AARON ROBINSON,**

**Defendant and Appellant.**

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A jury convicted Aaron Robinson of first degree burglary (Pen. Code, § 459)<sup>1</sup> and the trial court suspended imposition of sentence and placed him on probation. The court imposed various fines and fees.

Robinson appealed and his appointed counsel asked this court to review the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We have reviewed the record and find no arguable appellate issue. We affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

The prosecution charged Robinson and a codefendant, Nakkita Jane Johnson, with first degree burglary (§ 459) and the court held them to answer to the charge at the

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

conclusion of the preliminary hearing. At trial, the parties presented the following evidence:

On a November 2013 evening, Martin K. was at home in Vallejo when he looked out a window and saw two men — including Robinson — across the street.<sup>2</sup> Later, Martin looked out the window again and noticed the two men were talking and “gazing across the street[,]” toward Martin’s side of the street. Several minutes later, Martin heard a knock at his door; when he looked through the peephole, he saw Robinson, “very close to the door, almost in a braced position to push it in” if it were unlocked. Martin did not know Robinson and was not expecting him to come to his house.

Martin did not answer the door. He called 911, but the call did not connect. Moments later, Martin heard someone jumping over his backyard fence and landing on the deck. Martin looked out a window and saw a shadow move across the yard. He also heard the sound of a person running. Immediately thereafter, Martin heard the garage door being kicked. Martin went upstairs to get a baseball bat and heard someone enter the house. As the person approached the stairwell, Martin yelled, ““Get the fuck out of here”” and the person “bolted.”

Martin did not see the person at the stairwell, but a few seconds later, he saw Robinson running across the front yard. Robinson got into a silver Camaro. Another person — later identified as Johnson — was in the front seat. Martin wrote down the car’s license plate number, called 911, and described Robinson and Johnson. Later, with a police officer, Martin went into the garage and noticed the garage door deadbolt was broken and that his containers of camping gear had been “opened up and had been disturbed.” A Vallejo police officer stopped the Camaro, which contained Johnson and Robinson.

Dr. Robert Shomer testified for the defense as an expert in memory, perception, and eyewitness identification. Dr. Shomer explained flaws in stranger and cross-racial identification, and the suggestibility of in-field showups. The jury convicted Robinson of

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<sup>2</sup> Martin identified Robinson at an in-field showup and trial.

first degree burglary (§ 459). The court suspended imposition of sentence and placed Robinson on probation for three years, with the condition Robinson spend 180 days in jail. The court imposed various fines and fees.

#### DISCUSSION

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel informed Robinson he had the right to file a supplemental brief on his own behalf but Robinson declined to do so. We have reviewed the record pursuant to *Wende* and find no reasonably arguable appellate issue.

#### DISPOSITION

The judgment is affirmed.

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Jones, P.J.

We concur:

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Simons, J.

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Bruiniers, J.