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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSE FRANK RODRIGUEZ,

Defendant and Appellant.

2d Crim. No. B235627
(Super. Ct. No. 2011000964)
(Ventura County)

Jesse Frank Rodriguez appeals a judgment following his conviction of two counts of second degree robbery with findings of personal firearm use, and misdemeanor being under the influence of a controlled substance. (Pen. Code, §§ 211, 12022.5, subd. (a)(1), 12022.53, subd. (b); Health & Saf. Code, § 11550, subd. (a).)¹

At a jury trial, the prosecutor presented evidence that on January 8, 2011, Rodriguez robbed a convenience store on Patterson Road in Oxnard and took cash and cigarettes. (Count 1.) In the early morning hours of January 9, 2011, Rodriguez robbed a second convenience store on East Channel Islands Boulevard in Oxnard and took cash and cigarettes. (Count 2.) On each occasion, Rodriguez wore a hooded sweatshirt and black and white Converse tennis shoes and carried a handgun. Security cameras at the

¹ All further statutory references are to the Penal Code unless stated otherwise. References to sections 12022.5 and 12022.53 are to versions in effect prior to repeal effective January 1, 2012.

stores recorded the robberies and showed Rodriguez arriving and leaving in a black Cadillac automobile.

Oxnard police officers soon discovered the Cadillac automobile parked in an Oxnard motel parking lot. The automobile was associated with Room number 39. When Rodriguez left that room, officers detained and arrested him for being under the influence of a controlled substance. Rodriguez was wearing black and white Converse tennis shoes. A search of the motel room revealed a loaded .22 caliber revolver. During a field show-up, the convenience store clerks identified Rodriguez as resembling the man who robbed them.

The jury convicted Rodriguez of two counts of second degree robbery and misdemeanor being under the influence of a controlled substance. (§ 211; Health & Saf. Code, § 11550, subd. (a).) The jury also found that Rodriguez personally used a firearm during the robberies. (§§ 12022.5, subd. (a)(1), 12022.53, subd. (b).) The trial court sentenced Rodriguez to a total prison term of 20 years, consisting of an upper term of five years for count 2, plus 10 years for the personal firearm use; one year (one-third the midterm) for count 1, plus 40 months (one-third the midterm) for the personal firearm use, to be served consecutively; and 180 days for being under the influence of a controlled substance, to be served concurrently. The court also sentenced Rodriguez to eight months to be served consecutively for a probation violation. The court imposed a \$600 restitution fine, a \$600 parole revocation restitution fine (stayed), and other fines. (§§ 1202.4, subd. (b), 1202.45.) It awarded Rodriguez 262 days of presentence custody credit.

We appointed counsel to represent Rodriguez in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On January 30, 2012, we advised Rodriguez that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

We have reviewed the entire record and are satisfied that Rodriguez's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Jeffrey G. Bennett, Judge
Superior Court County of Santa Barbara

Lisa M.J. Spillman, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.