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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.
DAVID LEE JOHNSON,
Defendant and Appellant.

2d Crim. No. B236784
(Super. Ct. No. 2010011908)
(Ventura County)

David Lee Johnson appeals from the judgment after a jury convicted him of transportation of cocaine ((Health & Saf. Code § 11352, subd. (a)) and transportation of methamphetamine (Health & Saf. Code, § 11379, subd. (a) (a)). Appellant admitted a prior strike conviction (Pen. Code, §§ 667, subds. (c)(1) & (e)(1); 1170.12, subds. (a)(1) & (c)(1)) and five prior prison enhancements (Pen. Code § 667,.5, subd. (b)), and was sentenced to 12 years state prison. Before sentencing, the trial court denied appellant's motion for new trial and *Romero* motion (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497).

The evidence shows that Ventura Police stopped a vehicle driven by Sabrina Lopez after Lopez made an unsafe U-turn at a high rate of speed. Lopez was arrested for being under the influence of a controlled substance. Seated in the vehicle was Lopez's 10 year old daughter and appellant who appeared to be under the influence of a controlled substance. When appellant exited the vehicle, the officer saw a glass smoking pipe and three small rocks of cocaine on the car seat where defendant was seated. The officer arrested appellant, patted him down, and found more cocaine and a baggie of methamphetamine in his waistband. Appellant refused to complete a drug abuse evaluation or submit a urine sample and was

transported to the Ventura County Medical Center where a blood draw was taken. The blood sample tested positive for methamphetamine and a cocaine metabolite.

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

On July 20, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On November 2, 2010, appellant filed a supplemental brief stating, among other things, that he was denied effective assistance of counsel, that the prosecution failed to produce police dispatch tapes and urine test results in violation of *Brady v. Maryland* (1963) 373 U.S. 83 [10 L.Ed.2d 215], that appellant was not permitted to represent himself or dress in street clothes at trial, and his Fourth Amendment rights were violated. These contentions are not supported by the record (*Strickland v. Washington* (1984) 466 U.S. 668, 687 [80 L.Ed.2d 674, 693]; *People v. Bolin* (1998) 18 Cal.4th 297, 333) nor has appellant made any showing that he was denied a fair trial. (*United States v. Bagley* (1985) 473 U.S. 667, 678 [87 L.Ed.2d 481, 491]; *People v. Fudge* (1994) 7 Cal.4th 1075, 1102-1103.)

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.) Appellant's request to appoint new counsel on appeal is denied.

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Brian J. Back, Judge
Superior Court County of Ventura

Lisa M. Black , under appointment by the Court of Appeal, for Appellant.

No appearance for Respondent.