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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JESUS FARFAN,

Defendant and Appellant.

B237930

(Los Angeles County
Super. Ct. No. BA382476)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Ronald S. Coen, Judge. Affirmed.

Alan Stern, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On March 24, 2011, defendant Jesus Farfan, his codefendant Gumercindo Martinez¹ and an unidentified third man robbed Juan Exeni's jewelry repair shop in downtown Los Angeles. Evidence presented at trial demonstrated that victims Exeni and his employee, Enrique Villamil, were working in the shop, and their friend Miguel Jimenez was with them. Farfan, Martinez and the third man entered the shop, asked for Exeni, and later stated that they were robbing the shop. Farfan was holding a nine millimeter semiautomatic handgun. Farfan hit Jimenez on the head with the gun. Then Farfan pointed the gun at Villamil, ordered him to kneel and hit him on the head with the gun. The unidentified third robber choked Exeni with a chain. Martinez hit Exeni on the head, knocking him to the ground. The robbers demanded that the victims open the safe in the shop. While Farfan had Villamil at gunpoint, Farfan demanded that Villamil turn over his jewelry. Farfan took Villamil's chain and rings. Villamil struggled with Farfan over the gun and the gun discharged. Villamil wrestled the gun away from Farfan. The robbers ran out of the shop. The victims chased the robbers and attempted to detain them. The unidentified man fled the scene. Farfan and Martinez were at the scene when security and the police arrived. Farfan and Martinez were arrested.

On September 15, 2011, the jury found Farfan guilty of two counts of attempted robbery of Exeni and Jimenez (counts 1 & 2), one count of second degree robbery of Villamil (count 3), two counts of assault with a semiautomatic firearm on Jimenez and Villamil (counts 5 & 6) and one count of assault with a deadly weapon (the chain) on Exeni (count 7). In connection with the attempted robbery and robbery counts, the jury found true the special allegations that Farfan personally used a firearm within the meaning of Penal Code section 12022.53, subdivision (b),² and that a principal was armed with a firearm within the meaning of section 12022, subdivision (a)(1). In connection with the assault with a semiautomatic firearm on Villamil, the jury found true the special allegation that Farfan personally used a firearm within the meaning of

¹ Martinez is not a party to this appeal.

² Further statutory references are to the Penal Code.

12022.5. In connection with the assault with a deadly weapon on Exeni, the jury found true the special allegation that a principal was armed with a firearm.

On October 27, 2011, the trial court sentenced Farfan to 20 years in prison: the low term of two years for robbery (count 3), plus 10 years for the firearm enhancement under section 12022.53, subdivision (b); one-third the midterm of three years for attempted robbery (count 1)—eight months—plus three years and four months for the firearm enhancement under section 12022.53, subdivision (b); and eight months for attempted robbery (count 2), plus three years and four months for the firearm enhancement under section 12022.53, subdivision (b). On counts 1, 2 and 3 the trial court stayed the one-year firearm enhancement under section 12022, subdivision (a)(1).

The trial court imposed concurrent sentences on counts 5, 6 and 7: the low term of three years for assault with a semiautomatic firearm (count 5); the low term of three years for assault with a semiautomatic firearm (count 6), plus three years for the firearm enhancement under section 12022.5; and the low term of two years for assault with a deadly weapon (count 7), plus one year for the firearm enhancement under section 12022, subdivision (a)(1).

Farfan appealed. We appointed counsel to represent him on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On May 30, 2012, we advised Farfan that he personally had 30 days to submit any contentions or issues he wished us to consider. We also directed his appointed counsel to send the record and opening brief to Farfan immediately. To date, we have received no response.

We have examined the record and are satisfied that Farfan's counsel has complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.
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We concur:

CHANEY, J.

ROTHSCHILD, Acting P. J.

JOHNSON, J.