

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.111.5.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,
Plaintiff and Respondent,
v.
JASON LEE BRICKELL,
Defendant and Appellant.

2d Crim. No. B244623
(Super. Ct. No. 2011032547)
(Ventura County)

Jason Lee Brickell appeals his conviction by jury of evading an officer with willful disregard (Veh. Code, § 2800.2, subd. (a)). The trial court found that appellant had suffered a prior prison term (§ 667.5, subd. (b))¹ and sentenced appellant to four years state prison. Appellant was ordered to pay a \$240 restitution fine (§ 1202.4, subd. (b)), a \$240 parole revocation fine (§ 1202.45), and a \$1,675 probation investigation fee.

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

On April 12, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On May 10, 2013, we received a letter from appellant stating, among other things,

¹ All statutory references are to the Penal Code, unless otherwise stated.

that the conviction is not supported by the evidence, that the probation report contains misstatements, and the trial court erred in imposing an upper term sentence.

The evidence shows that the Ventura County Sheriff conducted surveillance outside defendant's house on September 1, 2011, pursuant to a burglary/possession of stolen property investigation. Appellant loaded items into the back of his truck, drove off, and tried to evade the officers who pursued with sirens and red lights activated.

After Deputy Sheriff Jeffrey Miller made a traffic stop and identified himself, appellant got back into the truck and fled with Deputy Miller in pursuit. Driving 60 mph in a 25 mph residential zone, appellant ran stop signs, almost hit a mother with a stroller, and stopped and fled on foot.

Inside the truck, officers found papers bearing appellant's name, a backpack, and a business card for a public storage unit. Executing a search warrant, the officers searched a storage unit rented in appellant's name and found three loaded handguns and a California Department of Corrections ID card bearing appellant's name and photo. Appellant was later arrested in the City of Commerce.

The jury convicted appellant of evading an officer with willful disregard and returned hung verdicts on two counts for felon in possession of a firearm (§ 12021, subd. (a)(1)) and unlawful possession of ammunition by a felon (§ 12316, subd. (b)(1)). The probation report, which was read and considered by the trial court, stated that appellant had an extensive criminal record dating back to 1996 for theft and drug related offenses and, in 2004, served a prison term for second degree burglary and transportation of a controlled substance.

We have examined the entire record and are satisfied that appellant's appointed counsel has fully complied with her responsibilities and that

no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 124; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Kent M. Kellegrew, Judge
Superior Court County of Ventura

Laurie A. Thrower , under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Respondent.