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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEXANDER BARNETT,

Defendant and Appellant.

B245610

(Los Angeles County  
Super. Ct. No. BA395423)

THE COURT:\*

Defendant and appellant Alexander Barnett (defendant) appeals his judgment of conviction of possession of a firearm by a felon. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On May 23, 2013, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed and defendant has submitted no letter or brief. We have reviewed the entire record and finding no error or other arguable issues, we affirm the judgment.

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\* BOREN, P. J., ASHMANN-GERST, J., CHAVEZ, J.

By an amended information defendant was charged in count 1 with possession of a firearm by a felon in violation of Penal Code section 29800,<sup>1</sup> subdivision (a)(1); in count 2, with carrying a concealed firearm on his person in violation of section 25400, subdivision (a)(2); and in count 3, with carrying an unregistered loaded handgun in violation of section 25850, subdivision (a). In addition, the amended information alleged that defendant had suffered two prior felony convictions for which he served prison terms within the meaning of section 667.5, subdivision (b). The trial court dismissed count 2 and count 3.

During jury selection, defense counsel raised *Wheeler* objections<sup>2</sup> regarding the prosecutor's peremptory challenge to four prospective jurors. After the prosecutor provided nondiscriminatory reasons for each challenge, the trial court found no violation.

The prosecution's sole witness was Los Angeles Police Officer Chase Lambert, who testified he was on patrol with his partner Officer Berdin during the afternoon of March 21, 2012, when he saw defendant riding his bicycle on a sidewalk through pedestrian traffic. The officers stopped defendant, and as Officer Lambert approached him, defendant said he was carrying a gun, "I am not going to lie. I have a gun on me. I got shot on Monday." The officers detained defendant and recovered a handgun from his pocket.

Defendant stipulated he had been convicted of a felony for purposes of count 1, and the jury found defendant guilty as charged. After defendant waived his right to a jury trial on the issue of his prior convictions, defense counsel agreed to the authenticity of the certified records of the Department of Corrections and Rehabilitation, and the trial court found the prior convictions allegation to be true. The court sentenced defendant to the high term of three years in prison, as he was on misdemeanor probation in two separate cases, plus a consecutive term of one year for each of defendant's prison priors, for a total

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise stated.

<sup>2</sup> See *People v. Wheeler* (1978) 22 Cal.3d 258, 276-277 and *Batson v. Kentucky* (1986) 476 U.S. 79, 89.

of five years. The court imposed mandatory fines and fees, and gave defendant 228 days custody credit, comprised of 114 days of actual custody and 114 days of conduct credit. Defendant filed a timely notice of appeal from the judgment.

We have examined the entire record and are satisfied that defendant's appellate counsel has fully complied with his responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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