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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
RODRICK JERMON SMITH,  
  
Defendant and Appellant.

C068498  
  
(Super. Ct. No.  
10F05814)

Appointed counsel for defendant Roderick Jermon Smith has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We find no errors and no concerns regarding presentence credits. We shall affirm the judgment.

**BACKGROUND**

An amended consolidated complaint charged defendant with six counts of second degree robbery (Pen. Code, § 211)<sup>1</sup> and

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<sup>1</sup> Further undesignated section references are to the Penal Code.

alleged as to all counts that defendant personally used a firearm in the commission of the offense (§ 12022.53, subd. (b)). Defendant pled no contest to counts 1 and 2 and admitted the enhancements thereon, with the understanding that the remaining counts and enhancements would be dismissed with a *Harvey* waiver<sup>2</sup> and he would receive a stipulated prison term of 16 years and four months.

The factual basis for the plea was as follows: On August 22, 2010, defendant entered a Walgreens store in Sacramento County, pointed a revolver at the clerk, and demanded cash from the register. The clerk gave him the cash. On August 30, 2010, defendant entered a Circle K store in Sacramento County, did the same thing, and again received cash.

The trial court sentenced defendant to an aggregate prison term of 16 years and four months--two years on count 1, plus 10 years consecutive for the firearm use enhancement, plus one year consecutive on count 2 (one-third the middle term), plus three years and four months (one-third the term) for the use enhancement. The court awarded defendant 231 days of presentence custody credit (155 days actual and 76 days conduct) and imposed various fees and fines, in addition to ordering restitution to the multiple victims.

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<sup>2</sup> *People v. Harvey* (1979) 25 Cal.3d 754 (*Harvey*).

**DISCUSSION**

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

**DISPOSITION**

The judgment is affirmed.

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DUARTE, J.

We concur:

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NICHOLSON, Acting P. J.

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BUTZ, J.