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

THE PEOPLE,

Plaintiff and Respondent,

v.

FREDDIE LEE SMITH,

Defendant and Appellant.

C074354

(Super. Ct. No. 11F02202)

Appointed counsel for defendant Freddie Lee 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 shall affirm the judgment.

BACKGROUND

On March 8, 2011, Britney Gipson, Sonny Baxter, Desmond Westry-Wilson (Wilson), and Ryan Baranco-Bibb (Bibb) were robbed at gunpoint at a gated apartment complex. Baxter admitted they had driven to the apartment complex to purchase

marijuana. He gave \$5,000 to Bibb, who got out of the car. Two men with guns then approached and took the money from Bibb. They also took a phone, driver's license, and \$2,500 from Gipson. One of the robbers searched Wilson and took his jacket, cell phone, and \$2,100. The robbers then drove off in Bibb's car.

Defendant was arrested on March 24, 2011. He told an officer that he arranged for Bibb to buy the marijuana, but denied any involvement in the robbery. He admitted that it was his voice on a wiretapped conversation discussing the robbery with another person.

Following the denial of his suppression motion (Pen. Code, § 1538.5),¹ defendant pleaded no contest to second degree robbery (§ 211) and admitted a prior strike (§§ 667, subd. (b)-(i), 1170.12). The trial court sentenced defendant to a stipulated term of 10 years in state prison, imposed various fines and fees, and awarded 979 days of presentence credits (852 actual and 127 conduct).

Defendant appealed, indicating he would challenge the denial of his section 1538.5 motion. He did not obtain a certificate of probable cause.

DISCUSSION

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 elapsed, and we 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.

¹ Further undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

DUARTE, J.

We concur:

BLEASE, Acting P. J.

ROBIE, J.