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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER ALLAN TOMAS,

Defendant and Appellant.

C081183

(Super. Ct. Nos. 14F3527,
15F103, 15F1625, 15F4976)

This case involves appeals in four separate cases.

In June 2014, in case No. 14F3527 (2014 case), defendant Christopher Allan Tomas pled guilty to being a felon in possession of a firearm and resisting an officer. The trial court granted him probation.

In June 2015, in case No. 15F103, defendant pled guilty to second degree burglary and in case No. 15F1625, defendant pled guilty to identity theft and admitted he committed an on-bail enhancement. Defendant also admitted he had violated probation in the 2014 case. In a global disposition, the trial court sentenced defendant to two years

for the identity theft, plus two years for the on-bail enhancement, eight months (one-third the midterm) on both the second degree burglary and the felon in possession of a firearm, for an aggregate term of five years four months. The trial court suspended execution of the sentence and again granted defendant probation.

In August 2015, Shopco department store loss prevention investigator Mark Germek watched defendant take two flashlights off a store shelf and put them in his pants. Defendant then went into the men's restroom. Shopco employees John Hall and Timothy Schell, along with Germek, searched the restroom and did not find the flashlights. They then followed defendant out of store and placed him under arrest. Defendant threw one of the flashlights, which hit Hall, and ran off. Schell tackled defendant and a struggle ensued. Defendant reached into his pocket, pulled out a pocketknife, and tried to strike Schell. Germek knocked the knife away. Schell, Germek, and defendant continued to struggle. The security guards eventually took defendant to the detention room. Redding police officers arrived and defendant admitted he went to the store to steal flashlights, but denied using force while he was running away. At trial, defendant admitted he stole the two flashlights but denied hitting Hall, struggling with the men, or pulling a knife on them.

In August 2015, in case No. 15F4976, a complaint charged defendant with second degree robbery. A jury found defendant guilty as charged. The trial court sentenced defendant to the midterm of three years in case No. 15F4976, as the principal term, and as subordinate terms, in the 2014 case , a consecutive eight months (one-third the midterm) plus two years for the on-bail enhancement, a consecutive eight months each in cases Nos. 15F103 and 15F1625. The trial court awarded defendant a total of 174 days of custody credits and imposed various fines and fees.

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. (*People v. Wende* (1979) 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. To date, defendant has not filed a supplemental brief. Having undertaken an examination of the entire record pursuant to *Wende*, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/s/
Robie, J.

We concur:

/s/
Blease, Acting P. J.

/s/
Mauro, J.