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COURT OF APPEAL, FOURTH APPELLATE DISTRICT  
DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTIAN DARROUGH,

Defendant and Appellant.

D063328

(Super. Ct. No. SCS260014)

APPEAL from a judgment of the Superior Court of San Diego County, Ana Espana, Judge. Affirmed.

Jeanne C. Vanderhoff, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant and appellant Christian Darrough of one count of possession of a controlled substance, methamphetamine, in violation of Health and Safety Code section 11377, subdivision (a). Darrough brought two oral motions to remove his

attorney, which the court ruled were in fact two *Marsden*<sup>1</sup> motions; one on December 18, 2012 and one on January 17, 2013. He argued ineffective assistance of counsel for refusing to file a *Pitchess*<sup>2</sup> motion and failure to object to the testimony of the arresting officer.

Subsequently, Darrough admitted five prison priors and a single strike prior. The trial court struck the strike prior and three of the five prison priors. The trial court then imposed and suspended a sentence of four years; the middle term of two years plus one additional year for each of the two remaining prison priors. Darrough was granted formal probation for three years, ordered to pay various fines and fees, and released from custody. Darrough filed a timely notice of appeal on January 23, 2013.

Appointed appellate counsel has filed a brief summarizing the proceedings below. Counsel presents no argument for reversal and asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel lists as a possible, but not arguable, issue: Whether the trial court erred in its denial of the two *Marsden* motions and in its refusal to replace counsel.

We granted Darrough permission to file a brief on his own behalf, and he did so. He argues his counsel failed to provide effective assistance, in particular in failing to challenge the credibility of the arresting officer who testified he saw Darrough throw a

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<sup>1</sup> *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*).

<sup>2</sup> *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).

bag of methamphetamine and in failing to file a *Pitchess* motion. Darrough also argues the trial court erred in failing to examine jurors in camera with respect to sleeping Darrough observed.

We find that Darrough was adequately represented both at trial and on appeal.

#### DISPOSITION

The judgment is affirmed.

BENKE, Acting P. J.

WE CONCUR:

HUFFMAN, J.

HALLER, J.