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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ABAH MAHAMMED AHMED, Jr.,

Defendant and Appellant.

E059127

(Super.Ct.No. RIF1204913)

OPINION

APPEAL from the Superior Court of Riverside County. Michael J. Rushton,
Judge. Affirmed.

David L. Annicchiarico, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Abah Mohammed Ahmed, Jr., is serving sixteen months in state prison
for carrying a concealed dirk or dagger and possessing tear gas with a prior felony. This
sentence is consecutive to an eight-year prison term for robbery and residential burglary.

FACTS AND PROCEDURE

On August 4, 2012, police pulled over a vehicle in which defendant was riding because another passenger was not wearing a seat belt. Defendant was found to be armed with two knives and to possess pepper spray. Defendant had in his back pocket a black ski mask with eye holes hand-cut into it. Defendant was wearing baseball batting gloves. No other sporting or cold-weather equipment was found in the vehicle.

On January 23, 2013, the People filed an information charging defendant with carrying a concealed dirk or dagger (Pen. Code, § 21310)¹ and possessing a tear gas weapon after having been convicted of a felony. The People also alleged defendant had two prior prison term offenses under section 667.5—a burglary (§ 459) conviction from 2002 and another from 2007.

On June 4, 2013, a jury found defendant guilty on both counts. On June 5, 2013, the trial court found both prison term allegations to be true.

On July 3, 2013, the trial court initially sentenced defendant to a felony jail term of four years and eight months as follows: two years for the dirk or dagger offense, plus eight months for the tear gas count, plus two consecutive one-year terms for the prior prison term allegations.

Defendant appealed.

On September 6, 2013, the court vacated the above sentence in conjunction with a plea agreement in a separate case, number RIF1207422. In the separate case, the court

¹ All further statutory references are to the Penal Code unless otherwise indicated.

sentenced defendant to a total of eight years for robbery (§ 211) and burglary (§ 459). Defendant then re-sentenced defendant to a total of sixteen consecutive months on the current matter and imposed, then struck, the two one-year sentences for the prison term priors.

DISCUSSION

We appointed counsel to represent defendant on appeal. After examination of the record, counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record. We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

MILLER
J.