

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LESHAWN TYRONE PERRIN et al.,

Defendants and Appellants.

E060696

(Super.Ct.No. FVI1302144)

OPINION

APPEAL from the Superior Court of San Bernardino County. John P.

Vander Feer, Judge. Affirmed.

Patrick E. DuNah, under appointment by the Court of Appeal, for Defendant and Appellant Leshawn Tyrone Perrin.

Esther K. Hong, under appointment by the Court of Appeal, for Defendant and Appellant Julien Fautner.

Jean Ballantine, under appointment by the Court of Appeal, for Defendant and Appellant Zykeen Miguel Lane.

No appearance for Plaintiff and Respondent.

Defendants and appellants Leshawn Tyrone Perrin, Julien Fautner, and Zykeem Miguel Lane were charged by amended information with two counts of first degree robbery. (Pen. Code, § 211, counts 1 & 2.) It was also alleged as to both counts that the offenses were committed for the benefit of, at the direction of, or in association with a criminal street gang (Pen. Code, § 186.22, subd. (b)(1)(C)), that a principal personally used a firearm (Pen. Code, § 12022.53, subds. (b) & (e)(1)), that the defendants voluntarily acted in concert with two or more other persons and entered the structure (Pen. Code, § 213, subd. (a)(1)(A)), that Perrin and Lane were minors who were at least 16 years old (Welf. & Inst. Code, § 707, subd. (d)(1)), and that Fautner had one prior strike conviction (Pen. Code, §§ 1170.12, subds. (a)-(d) & 667, subds. (b)-(i)). Pursuant to separate plea agreements, Perrin and Lane each pled no contest to the lesser included offense of second degree robbery in count 1 and admitted the gang enhancement. The trial court struck the remaining allegations. In accordance with the plea agreements, the court sentenced both Perrin and Lane to the upper term of five years on the robbery count, plus an additional 10 years for the gang enhancement. The court awarded Perrin 158 days of custody credit, and awarded Lane 171 days of custody credit. Fautner also entered a plea agreement and pled no contest to first degree robbery in count 1, and admitted the gang enhancement and the prior strike conviction. In accordance with his plea agreement, the court dismissed the remaining allegations and sentenced Fautner to three years on count 1, doubled pursuant to the strike, plus 10 years for the gang enhancement. The court awarded him 196 days of custody credits.

All three defendants filed timely notices of appeal. We affirm.

PROCEDURAL BACKGROUND

Defendants were charged with and admitted that, on or about July 14, 2013, they committed the crime of robbery, a felony. (§ 211.)

DISCUSSION

Defendants appealed and, upon their request, this court appointed counsel to represent each of them. Each 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 and a few potential arguable issues.

Perrin's counsel set forth the following issue: whether his guilty plea was constitutionally valid.

Fautner's counsel set forth the following issues: (1) whether his plea was constitutionally valid; (2) whether he was required to admit the gang allegation under section 186.22, subdivision (b)(1)(C); and (3) whether the trial court abused its discretion or violated ex post facto principles when it imposed a restitution fine and a parole revocation fine in the amount of \$300.

Lane's counsel set forth the following issue: whether the record supports his claims that he was threatened and coerced into entering into the plea agreement and that he did not have time to fully consider the offer.

Counsel has also requested this court to undertake a review of the entire record. We offered each defendant an opportunity to file a personal supplemental brief, which they have not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgments are affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

HOLLENHORST
Acting P. J.

We concur:

KING
J.

MILLER
J.