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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

MOHAMMAD REZA KARIMI,

Defendant and Appellant.

G049410

(Super. Ct. No. 13CF2040)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County,
John S. Adams, Judge. Affirmed.

Cindy Brines, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

* * *

INTRODUCTION

Defendant Mohammad Reza Karimi was convicted of attempted robbery. He was sentenced to three years' formal probation, plus 364 days in county jail. Defendant timely appealed from the judgment. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), setting forth the facts of the case and requesting that we review the entire record. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), appointed counsel provided a list of potential issues to assist us in our independent review. Defendant was granted 30 days to file written arguments in his own behalf, but did not do so.

We have examined the entire record and counsel's *Wende/Anders* brief. After considering the entire record, we have found no reasonably arguable issue. (*Wende, supra*, 25 Cal.3d 436.) We therefore affirm.

BACKGROUND

On June 22, 2013, Rite Aid loss prevention officer Jose Negrete observed defendant place two boxes of dental whitening strips in the sweater he was holding and leave the store without paying for them. As defendant was leaving the store, Negrete identified himself, and asked defendant to return the whitening strips. Using his elbow, defendant pushed Negrete in the chest. Negrete grabbed defendant, defendant hit Negrete in the jaw, and they both fell to the ground; the whitening strip boxes fell on the ground next to defendant.

Negrete testified that defendant physically attacked him, grabbing his genitals, trying to stick his finger in Negrete's eye, and kicking him in the leg. Negrete hit defendant in the forehead to get him to stop. Negrete went to the hospital after the incident because his hand was swollen and he had suffered a contusion. He also suffered bruising on his left knee. Negrete told an investigator from the district attorney's office he feared for his life because he thought defendant had a weapon. Negrete also told the

investigator defendant initially shoved him with both hands and defendant punched him up to 15 times.

The store's surveillance camera showed defendant taking something off the shelf in the dental section. The store's outside surveillance camera was not working the day of the incident, and did not record the struggle between defendant and Negrete. Rite Aid did not provide Negrete's personnel file in response to a subpoena duces tecum, but the human resources manager for the location at which the crime was committed advised the trial court that Negrete had no complaints against him or disciplinary actions.

At trial, defendant testified that he had lost his job and took the boxes of whitening strips to resell them in order to obtain money. Defendant testified he gave the boxes of whitening strips to Negrete when he was confronted. Defendant claimed Negrete grabbed him, threw him to the ground, and strangled him. A police officer responding to a robbery call found defendant in front of the Rite Aid store; defendant was drenched in sweat, and had abrasions on his elbows and injuries to his head and face. Defendant admitted he had two previous convictions for shoplifting.

Defendant was charged with one count of second degree robbery. (Pen. Code, §§ 211, 212.5, subd. (c).) A jury acquitted defendant of robbery, but convicted him of the lesser included offense of attempted second degree robbery. The trial court sentenced defendant to three years' formal probation, with terms and conditions including that he spend 364 days in county jail. The court also imposed various fines and fees, and awarded defendant 332 days of presentence custody credit. Defendant timely appealed from the judgment.

ANALYSIS

We have reviewed the record in accordance with our obligations under *Wende* and *Anders*, and we find no arguable issues on appeal. Defendant himself has not raised any issues for our review. (*People v. Kelly* (2006) 40 Cal.4th 106, 120, 124.)

DISPOSITION

The judgment is affirmed.

FYBEL, J.

WE CONCUR:

ARONSON, ACTING P. J.

THOMPSON, J.