**PEOPLE v. EDWARDS**

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*THE PEOPLE, Plaintiff and Respondent, v. CHARLES LEE EDWARDS, Defendant and Appellant.*

Court of Appeals of California, Second Appellate District, Division One

September 24, 2009

Not to be Published in the Official Reports

***Attorney(s) appearing for the Case***

*Jolene Larimore, under appointment by the Court of Appeal, for Defendant and Appellant.*

*Edmund G. Brown Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Linda C. Johnson and Gary A. Lieberman, Deputy Attorneys General, for Plaintiff and Respondent.*

ROTHSCHILD, Acting P. J.

An information charged Charles Edwards with murder and attempted murder. As to each count, the jury found Edwards guilty of the lesser included offenses of being an accessory and carrying a concealed weapon. The trial court imposed sentences on all four convictions. Edwards contends that under Penal Code section 654[1](https://www.leagle.com/decision/incaco20090924029#fid1) the court could only impose sentence on the accessory to murder conviction; all other sentences must be stayed. The People argue section 654 does not prohibit separate punishments for accessory to murder and carrying a concealed weapon but they concede that section 654 prohibits imposition of punishment under count two for being an accessory to attempted murder and carrying a concealed weapon. The People also contend the court erred in not imposing a $20 court security fee for each conviction.

We will modify the judgment to stay imposition of sentence on all but the conviction for accessory to murder and to impose a $20 court security fee as to each conviction.

**FACTS AND PROCEEDINGS BELOW**

The victims, Damon Johnson and Isaiah Williams, were walking with some friends in Crips territory when Sherman Jackson, a member of the Crips, rode up on a moped and asked them where they were from. Jamon Johnson, Damon's brother, said that he was a member of a Bloods gang. Jamon and Jackson exchanged words. Jamon told his brother, Damon, to take Jackson's bike. When Damon attempted to do so, Jackson called for help from his "home boys" and said he was going to get the "burner" [a gun]. The Johnson brothers and their friends ran and tried to hide in a backyard. Jackson and other Crips gave chase.

Charles Edwards, a member of a Bloods gang, was in Crips territory on a "pass" he received because of his connection to a member of the Crips. He joined Derek Jones, a Crip, in chasing the Johnsons and their friends. Jones later admitted to Jackson that he shot Damon Johnson and Williams and then "threw Charles the gun." Several witnesses testified that they saw Edwards running from the direction of the shots and that he was holding something to his side. When sheriff's deputies apprehended Edwards shortly after the shooting, they recovered a handgun from a pocket in his pants. Tests showed that this gun fired the cartridge shells retrieved from the area of the shooting and could have fired the bullet recovered from Damon Johnson's body.

The People charged Edwards with the murder of Damon Johnson and the attempted murder of Isaiah Williams. As to each count, the jury returned guilty verdicts on the lesser offenses of being an accessory and carrying a concealed weapon. The court sentenced Edwards to the high term of three years on the accessory to murder conviction and consecutive terms of eight months (one-third the midterm) on the other three convictions for a total of five years. The court did not impose the $20 court security fee on any of the convictions.

Edwards filed a timely appeal.

**DISCUSSION**

**I. DOUBLE PUNISHMENT FOR THE CONCEALMENT AND ACCESSORY OFFENSES**

It is well settled that section 654's prohibition against double punishment is not limited to situations in which there is one "act" in the ordinary sense but also applies where the defendant's acts violated more than one statute but were incident to one objective. (*People v. Beamon* (1973) [8 Cal.3d 625](https://www.leagle.com/cite/8%20Cal.3d%20625), 637.)

In this case the evidence showed that Edwards was with Jones when Jones shot the victims and that as they ran away Jones "threw" the gun to Edwards who concealed it in his pants pocket. Thus, Edwards committed two crimes. He aided Jones knowing that Jones had shot the victim and with the intent that Jones "avoid or escape from arrest, trial, conviction or punishment" thus making him an accessory under section 32. He also concealed a weapon on his person. (§ 12025, subd. (a)(2).) The evidence showed, however, that he did these acts with the single objective of aiding Jones by taking the gun away from the scene of the shootings.

The People argue that the trial court could reasonably infer from the fact Edwards concealed the weapon instead of discarding it that his intent was not merely to aid Jones in escaping justice but "to preserve the gun for some future use (e.g. to commit other crimes with it, or sell it)." Evidence that Edwards concealed the weapon after Jones threw it to him immediately following the shooting only supports the inference that Edwards intended to aid Jones in escaping punishment for the shootings. Whether Edwards had some other intent in mind is pure speculation.

For these reasons we conclude the court erred in punishing Edwards for being an accessory and concealing a weapon. Only the accessory offense can be punished.

**II. PUNISHMENT FOR OFFENSES AS TO JOHNSON AND WILLIAMS**

Section 654 does not prohibit separate punishment for each crime of violence against a different victim even though all the crimes are part of an indivisible course of conduct with a single objective. (*People v. Felix* (2009) [172 Cal.App.4th 1618](https://www.leagle.com/cite/172%20Cal.App.4th%201618), 1630-1631.) Edwards argues, and the People and we agree, that the multiple victim exception to section 654 does not apply in this case because neither of the offenses for which Edwards was convicted was a crime of violence.

Accordingly, the court erred in punishing Edwards for the offenses related to Williams.

**III. FAILURE TO IMPOSE COURT SECURITY FEE**

The People correctly argue that the judgment must be modified to impose the $20 court security fee for each conviction. (§ 1465.8, subd. (a)(1).) Such fee is mandated as to "every conviction" even if the sentence on the conviction is stayed. (*People v. Crabtree* (2009) [169 Cal.App.4th 1293](https://www.leagle.com/cite/169%20Cal.App.4th%201293), 1327.)

**DISPOSITION**

The judgment is modified to stay the imposition of sentence on all of defendant's convictions except the crime of accessory under count one and to impose as to each conviction a court security fee of $20. In all other respects, the judgment is affirmed. The court is directed to prepare a new abstract of judgment reflecting these changes and to forward it to the Department of Corrections and Rehabilitation.

We concur:

CHANEY, J.

JOHNSON, J.

**FootNotes**

1. All statutory references are to the Penal Code.