

OCT 14 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

QUENTIN JACKSON, AKA Quintin
Jackson,

Defendant - Appellant.

No. 08-10105

D.C. No. 1:06-CR-00134-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Argued and Submitted April 14, 2009
San Francisco, California

Before: REINHARDT, SILER,** and McKEOWN, Circuit Judges.

Quentin Jackson appeals on two grounds his convictions for multiple counts of armed bank robbery and use of a firearm during crimes of violence. We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Eugene E. Siler, Senior United States Circuit Judge for the Sixth Circuit, sitting by designation.

Jackson's first claim is that there is insufficient evidence to show that he was the perpetrator of each of the five robberies. However, Jackson was positively identified by multiple eyewitnesses and was caught on tape at three of the robberies. At the one robbery for which the government did not produce a witness identifying Jackson as the robber, the bank surveillance camera and eyewitness testimony demonstrated that a man fitting Jackson's general description exited the bank at the time of the robbery and entered a car that looked very similar to a car registered in Jackson's name that he used during another of the robberies. The evidence is sufficient to show that Jackson was the perpetrator in each robbery.

Jackson's second claim is that the district court improperly held that he was incompetent to represent himself at trial for the reason that he is deaf and has difficulty speaking. *See Faretta v. California*, 422 U.S. 806 (1975); *Indiana v. Edwards*, 128 S. Ct. 2379 (2008). However, this characterization is not accurate. Jackson's argument on appeal fails to acknowledge that, after the district court judge advised him of the perils and potentially severe consequences of self-representation, *see, e.g., United States v. Hayes*, 231 F.3d 1132, 1138–39 (9th Cir. 2000), he affirmatively waived his right to self-representation and elected to proceed to trial with counsel. Jackson explicitly confirmed his waiver at least five times, and thus his claim that he was improperly denied his right to self-representation is without merit.

AFFIRMED.