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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JEFFREY ELIAS HERNANDEZ,

Defendant and Appellant.

B275994

(Los Angeles County  
Super. Ct. No. BA435838)

THE COURT:\*

Appellant Jeffrey Elias Hernandez was charged with rape (Pen. Code, § 261, subd. (a)(2))<sup>1</sup> and kidnapping (§ 207, subd. (a)). It was further alleged that appellant had suffered a prior strike pursuant to sections 667, subdivisions (b)–(j) and 1170.12, as well as a prior conviction pursuant to section 667, subdivision (a)(1).

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\* ASHMANN-GERST, Acting P. J., HOFFSTADT, J., GOODMAN, J.†

† Retired Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

The information was eventually amended to add a third count alleging abuse of a dating partner (§ 273.5, subd. (a)).

Appellant pled no contest to the third count and admitted the prior strike. The first two counts were dismissed. The trial court sentenced appellant to eight years in state prison by imposing the upper term of four years and doubling it pursuant to sections 667, subdivisions (b)–(j) and 1170.12. Appellant filed a notice of appeal on the basis of his sentence or other matters occurring after the plea that do not affect the validity of the plea.

We appointed counsel for appellant on appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On January 13, 2017, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

Our review of the record reveals that the victim, A.V., testified at the preliminary hearing that she had a romantic relationship with appellant for three years. Mid-morning on April 17, 2015, the victim returned to her home and found appellant outside her house. He appeared “mad” and told her he was “irritated.” She was in her van and appellant pulled her out of her van and into his car, telling her they were going to his house. They argued in the car and she jumped out of the moving car, sustaining scrapes. Appellant grabbed her and pulled her back into his car and drove to his house.

Once inside his house, appellant told her that he loved her, and did not want to hurt her. When they were in his bedroom, they struggled as he took off her pants and underwear. Appellant then held her down on the bed and raped her. She scratched him on his neck.

Appellant then drove her home. The victim's sister called the police. The victim told the police that a similar incident with appellant had happened once before that she never reported.

We are satisfied that no cognizable issues exist in this appeal. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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