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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN DAVID BLACK,

Defendant and Appellant.

B251650

(Los Angeles County  
Super. Ct. No. MA057100)

APPEAL from a judgment of the Superior Court of Los Angeles County, Daviann L. Mitchell, Judge. Affirmed.

Julia J. Spikes, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required by *Wende*, we affirm the judgment.

We provide the following brief summation of the factual and procedural history of the case. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

### **PROCEDURAL BACKGROUND**

By amended information, John David Black was charged with false imprisonment (Pen. Code, § 236;<sup>1</sup> count 1); domestic violence (§ 273.5, subd. (a); count 2); assault with a deadly weapon (§ 245, subd. (a); count 3); criminal threats (§ 422, subd. (a); count 4); and dissuading a witness (§ 136.1, subd. (c)(1); count 5). The information also alleged a prior serious felony as to each count (§§ 667, subds. (b)–(i), 1170.12, subds. (a)–(d)), a prior prison term (§ 667.5, subd. (b)), and mandatory prison under section 1170, subdivision (h)(3). Appellant pleaded not guilty as to all counts, and denied all special allegations.

As of mid-September 2012, appellant was self-represented. In mid-April 2013, at appellant’s request, the court terminated his pro. per. status and appointed counsel to represent him. On September 17, 2013, appellant entered a negotiated no contest plea as to count 3. The remaining charges and allegations were dismissed. Appellant was sentenced to four years in state prison. The court assessed various fees and fines, and awarded presentence credits. Appellant obtained a certificate of probable cause, and filed this timely appeal.

### **FACTUAL BACKGROUND**

Our factual recitation is drawn from appellant’s probation report. On August 11, 2012, sheriff’s deputies responded to a report of domestic violence at appellant’s home, after a neighbor reported seeing a man grab a machete while arguing with his girlfriend. Shortly after arriving, deputies saw appellant enter the home from the garage. He appeared to have blood on his clothes, and the deputies smelled alcohol on his breath.

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<sup>1</sup> Further statutory references are to the Penal Code.

Appellant's girlfriend told the deputies she and appellant had argued and she tried to leave with her infant child, but appellant repeatedly blocked her exit and would not let her leave the house. After she eventually made it into her car, appellant tried to remove the battery. Appellant struck his girlfriend in the face, pushed her and took her phone so she could not call the police. During their confrontation, appellant told his girlfriend he would kill her if she left him. He chased after her with the machete, swinging it, and cut her forearm. At one point appellant dropped the machete, and the girlfriend kicked it away.

### **WENDE REVIEW**

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d at p. 441.) On June 5, 2014, we advised appellant he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, we have received no communication from appellant. We have examined the entire record in accordance with our obligations under *Wende*. We are satisfied that appellant received adequate and effective appellate review of the judgment in this action, that his counsel fully complied with her responsibilities, and that no arguable issues exist. (*People v. Kelly, supra*, 40 Cal.4th at pp. 109–110; *Wende, supra*, 25 Cal.3d at p. 443.)

## **DISPOSITION**

The judgment is affirmed.  
NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

CHANEY, Acting P. J.

MILLER, J.\*

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