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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

GEORGE A. CULLORS,

Defendant and Appellant.

B240912

(Los Angeles County
Super. Ct. No. MA050792)

APPEAL from an order of the Superior Court of Los Angeles County, Clifford L. Klein, Judge. Affirmed.

Patrick Morgan Ford, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

INTRODUCTION

Defendant and appellant George Cullors appeals from an order revoking his probation for a conviction for assault with a deadly weapon. On appeal, defendant's appointed counsel filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 requesting this court to conduct an independent review of the record to determine if there are any arguable issues. On November 5, 2012, we gave notice to defendant that counsel had failed to find any arguable issues and that defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. Defendant did not file a responsive brief or letter. We affirm.

BACKGROUND

In October 2010, the District Attorney of Los Angeles County filed a felony complaint in case number MA050792 charging defendant with two counts of assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)¹) and one count of inflicting corporal injury on a spouse/cohabitant/child's parent (§ 273.5, subd. (a)). The complaint alleged that defendant personally used a deadly and dangerous weapon in the commission of the corporal injury offense (§ 12022, subd. (b)(1)), and that he suffered three prior convictions within the meaning section 667.5, subdivision (b) as to all three offenses.

In November 2010, defendant was convicted of one count of assault with a deadly weapon and was sentenced to a term of four years. The trial court did not order execution of sentence; instead it placed defendant on formal probation for three years and ordered him to serve 365 days in county jail.

In December 2011, the District Attorney filed an information in case number MA054708 charging defendant with assault with a deadly weapon (§ 245, subd. (a)(1)) and inflicting corporal injury on a spouse/cohabitant/child's parent (§ 273.5, subd. (a)). The information alleged that defendant suffered prior convictions within the meaning of

¹ All statutory citations are to the Penal Code unless otherwise noted.

sections 667, subdivision (a)(1); 667.5, subdivision (b); and 1170.12, subdivisions (a) through (d).²

A probation violation hearing in case number MA050792 and a jury trial in case number MA054708 were set for April 27, 2012. At the probation hearing, Los Angeles County Sheriff's Department Deputy Sheriff Matt Prather testified that he responded to a call in the 38000 block of 12th Street East in Palmdale where he contacted Joyce Cobb. Cobb had reported to a 911 operator that her child's father, with whom she lived, had cut her face. A recording of the 911 call was played for the trial court. Deputy Prather could smell alcohol on Cobb's breath and Cobb slurred her words when she spoke.

Deputy Prather observed an injury to Cobb's face. Cobb told the deputy that she and her live-in boyfriend had a fight and she got cut on the face. According to Cobb, she and defendant argued about their daughter, and she and defendant threw glass objects around the inside of the house. Cobb did not indicate who started the "physical action." Cobb said that defendant picked up a piece of glass and cut her on the cheek. Cobb refused treatment of her injuries that day. Deputy Prather did not know if Cobb ever received treatment for her injuries.

Deputy Prather testified that the inside of the residence was in "total disarray." There was broken glass on the floor and throughout the residence, "things" were knocked over, a door had been broken off its hinges, and there was blood on the floor and walls. The trial court reviewed a videotape and photographs of the inside of the residence. Defendant was inside the residence.

Deputy Prather testified that defendant was in a wheelchair. Defendant had difficulty walking, and walked with a limp. Defendant had a cut on his face. Deputy Prather arrested defendant and took him to the hospital to have his facial injuries treated. Deputy Prather did not smell alcohol on defendant.

The trial court found defendant in violation of his probation. The trial court revoked defendant's probation and ordered execution of defendant's previously imposed

² The information in case number MA054708 is not contained in the record. Information about the filed charges is from defendant's probation report.

four year sentence. The trial court awarded defendant a total 675 days of actual custody and conduct credit, and imposed various fines and fees. The People stated that they were unable to proceed in case number MA054708, and the trial court dismissed the case pursuant to section 1382.

DISCUSSION

We appointed counsel to represent defendant in this appeal. After examining the record, counsel filed an opening brief asking this court to independently review the record in accordance with *People v. Wende, supra*, 25 Cal.3d 436. On November 5, 2012, we gave notice to defendant that counsel had failed to find any arguable issues and that defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. Defendant did not submit a brief or letter. We have examined the entire record and are satisfied that defendant's counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The order is affirmed.

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MOSK, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.