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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

SUMPTER PORTER,

Defendant and Appellant.

B234125

(Los Angeles County  
Super. Ct. No. NA087494)

APPEAL from an order of the Superior Court of Los Angeles County,  
Arthur Jean, Jr., Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

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Sumpter Porter was arrested and charged with assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)),<sup>1</sup> carjacking (§ 215, subd. (a)), and contempt of court (§ 166, subd. (c)(1)). As to counts 1 and 2, it was specially alleged Porter had personally inflicted great bodily injury upon Lucille McGowan under circumstances involving domestic violence (§ 12022.7, subd. (e)), and he had served four separate prison terms for felonies (§ 667.5, subd. (b)). He pleaded not guilty and denied the special allegations.

After hearing Porter's motion to dismiss the carjacking charge (§ 995) (count 2), the trial court reduced that count to unlawfully taking or driving a vehicle (Veh. Code, § 10851, subd. (a)).

According to the trial evidence, on November 19, 2010, neighbors witnessed Porter chasing his girlfriend Lucille McGowan in the front yard of his mother's home in San Pedro. When Porter caught up with McGowan he punched her several times in the face and chest, knocking her to the ground, and repeatedly kicked her. Porter got into McGowan's car and left. Police and paramedics were summoned to the scene. McGowan suffered a fracture of the orbital wall of her right eye, a cut on her wrist and bruises. The parties stipulated "that on the 19 of November 2010, a valid criminal protective order was in effect on case 9CA26298; that it was issued by the Los Angeles County Superior Court on the 24th of August, 2009. [¶] Moreover, the defendant, Sumpter Lavelle Porter, was personally served as follows: Sumpter Lavelle Porter was not to annoy, harass, threaten or disturb the peace of the protected person, Lucille McGowan."

A jury convicted Porter on counts 1 and 3, but acquitted him of count 2. The prosecution announced it was unable to proceed with a bifurcated trial on the prior prison term allegations.

The trial court sentenced Porter to an aggregate state prison term of nine years, consisting of the upper four-year term for aggravated assault, plus five years for the great

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<sup>1</sup> Statutory references are to the Penal Code, unless otherwise indicated.

bodily injury enhancement, and a concurrent one-year term for contempt of court. The court awarded Porter 100 days of presentence custody credit (88 actual days and 12 days of conduct credits). The court ordered him to pay a \$40 court security assessment, a \$30 criminal conviction assessment and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to section 1202.45.

Porter timely appealed from the judgment. We appointed counsel to represent him on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On January 30, 2012, we advised Porter he had 30 days within which to personally submit any contentions or issues he wished us to consider. On February 8, 2012, Porter filed a hand-printed response, in which he claimed the protective order of August 9, 2009 was no longer in force, and Lucille McGowan did not want the order mentioned at trial. The record does not support those allegations.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

### **DISPOSITION**

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

JACKSON, J.