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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.

FERMIN BARRALES,

Defendant and Appellant.

B287638

(Los Angeles County
Super. Ct. No. BA452296)

APPEAL from judgments of the Superior Court of Los Angeles County. Katherine Mader, Judge. Affirmed.

Michael C. Sampson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

The jury found defendant and appellant Fermin Barrales guilty of assault by means likely to cause great bodily injury in two counts (Pen. Code, § 245, subd. (a)(4) [counts 1 & 2]),¹ and found that Barrales personally inflicted great bodily injury on the victim in both counts (§ 12022.7, subd. (a)). The jury hung as to two counts of assault with a deadly weapon (§ 245, subd. (a)(1) [counts 3 & 4]), and as to the allegation as to all four counts that Barrales personally used a deadly weapon—“brass knuckles with a knife”—in the commission of the crimes within the meaning of section 12022, subdivision (b)(1). The trial court declared a mistrial with respect to those counts and allegations.

Barrales was sentenced to a sentence of seven years, consisting of the low term of two years in count 1, plus three years for the great bodily injury enhancement, plus a consecutive one-year term in count 2 (one-third of the midterm), plus an additional year for the great bodily injury enhancement attached to that count (one-third of the enhanced term).

We appointed counsel to represent Barrales on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. Barrales’s counsel advised him he had 30 days within which to personally submit any contentions or issues which he wished us to consider. On June 28, 2018, we advised appellant he had 30 days within which to file a supplemental brief. On July 13,

¹ All further statutory references are to the Penal Code unless otherwise indicated.

2018, Barrales filed a supplemental brief, contending that he was convicted of “hitting someone with some brass knuckles and knife, when there was never any weapons involved.” Barrales notes that while no weapon was recovered, the prosecutor offered a photo from Google of the type of weapon at trial.

After full consideration of Barrales’s supplemental brief, we conclude that the issue raised is without merit, as it is based on the mistaken premise that Barrales was convicted of using brass knuckles and a knife in connection with the assaults. As noted, the jury did not convict him of the charges and enhancements alleging use of the brass knuckles and knife. Barrales’s supplemental brief raises no other arguable issues on appeal.

We have also examined the entire record and are satisfied that Barrales’s attorney has fully complied with his responsibilities and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

MOOR, J.

We concur:

BAKER, Acting P.J.

KIM, J.