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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

CARL JAMAL CHRISTIAN,

Defendant and Appellant.

B287438

(Los Angeles County
Super. Ct. No. BA457908)

APPEAL from a judgment of the Superior Court of Los Angeles County, David M. Horwitz, Judge. Affirmed with directions.

Marta Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Defendant Carl Jamal Christian appeals his conviction, following a guilty plea, to one count of felony battery upon a custodial officer (Pen. Code,¹ § 243.1). Defendant admitted suffering the two prior strike convictions (§§ 667, subds. (b)-(i), 1170.12, 1192.7, subd. (c)(38)). Pursuant to its indicated sentence, the trial court sentenced defendant to the middle term of two years in the state prison. The trial court struck for purposes of sentencing the two prior strike convictions and terminated defendant's probation in case Nos. TA124801 and BA451124. The trial court denied defendant's request for a certificate of probable cause. Defendant filed a timely notice of appeal based on the sentence or other matters occurring after the plea that do not affect the validity of the plea. (§ 1237.5.) On January 24, 2018, this court issued an order limiting the appeal to matters that do not require a certificate of probable cause.

Defendant's appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) requesting this court independently review the record on appeal for any arguable issues. Having done so, we affirm the judgment.

BACKGROUND

On September 14, 2016, and while in custody at the Los Angeles County Jail, defendant gassed Deputy Zeas. Defendant threw urine contained in a carton at Zeas, hitting Zeas's arm and forehead.

¹ Further undesignated statutory references are to the Penal Code.

DISCUSSION

Defense counsel advised defendant of the nature of the *Wende* brief she had filed; she further advised her client that he had the right to file a supplemental brief within 30 days of counsel filing her opening brief. We also informed defendant that he might personally submit a supplemental brief, and he has done so.

In a letter filed with this court on April 16, 2018, defendant addressed a number of requests to the presiding justice of this division, including a request to relieve appointed counsel, a claim that he wanted to originally plead not guilty by reason of insanity but was precluded from doing so by his plea counsel, a request to be resentenced to a reduced term, and a request to be transported to the court to appear in person. Attached to his letter was a document captioned “Supplemental Brief,” which presents a number of complaints regarding his incarceration circumstances, along with what appears to be various postplea discovery requests.

Because defendant is appealing after entry of a guilty plea and does not have a certificate of probable cause, his appeal is limited to claims of error in the sentence or other matters occurring after the plea that do not affect the validity of the plea. (§ 1237.5; Cal. Rules of Court, rule 8.304(b).) None of the claims defendant asserts in his supplemental brief concerns the validity of his sentence or issues arising in the trial court after sentencing. Accordingly, we do not reach those contentions.

Having examined the entire record, we are satisfied no arguable issues exist and that defendant’s appellate counsel has fully satisfied her responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at

p. 441; see *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.) We note, however, that the trial court awarded defendant one extra day of presentence conduct credit. Defendant had seven days of actual custody and so was entitled to six days of conduct credit, not the seven awarded by the trial court; defendant's corrected total is 13 days. (See *People v. Whitaker* (2015) 238 Cal.App.4th 1354, 1357-1358 [a defendant is entitled to two days of credit for every two days of actual custody].)

DISPOSITION

The clerk of the superior court is directed to prepare an amended abstract of judgment showing that defendant has seven days of actual custody credit and 6 days of presentence conduct credit, for a total of 13 days. The judgment is affirmed in all other respects.

ROGAN, J.*

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.

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