

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

THEODORE RALSTON BAKER,

Defendant and Appellant.

B284390

Los Angeles County
Super. Ct. No. YA091330

Appeal from the Superior Court of Los Angeles County,
Alan B. Honeycutt, Judge. Affirmed.

Law Offices of Laurel Simmons, Laurel Ellis Parker
Simmons, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

An information, amended at trial, charged Theodore Ralston Baker with one count of knowingly and maliciously dissuading a witness from prosecuting a crime. (Pen. Code¹ § 136.1, subd. (a)(2)). The information also alleged that Baker had a prior strike (§ 1170.12, subd. (b)), a prior serious felony (§ 667, subd. (a)(1)), and three prior prison terms (§ 667.5, subd. (b)). Baker pleaded not guilty. The trial court denied Baker's motion to strike his prior strike under section 1385 and *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

At trial, the victim testified she was a former girlfriend of Baker's younger brother Keyion and the mother of Keyion's three children. In August 2014, she reported Keyion for domestic violence, and obtained a restraining order against him. On September 5, 2014, the day of Keyion's court hearing, the victim had just parked in her driveway. A car pulled up and Baker got out. Baker demanded that she go to court and drop the charges against Keyion. She refused, and they argued. Baker told her, "I'll beat your ass," and punched her in the ribs and face. She fought back and called for her niece to help her. Her niece came out, saw Baker punching the victim in the head and side, and called 911. Baker drove away, and the victim also called 911; the jury heard a recording of the call. A bystander testified that she heard Baker say, "you better not go to court if you know what's best for you," and saw him hit the victim first, with an open and closed hand.

The deputy district attorney who handled Keyion's pretrial hearing on September 5, 2014 testified that after Baker stood up and yelled that she was responsible for Keyion's incarceration, he was removed from the courtroom.

¹ All subsequent statutory references are to the Penal Code.

Baker testified in his own defense. His brother was his best friend, and he believed the victim lied about the domestic abuse. Baker admitted he got frustrated in the courtroom and made an outburst. He then drove to the victim's house "to ask her about the false reports." He got out of the car and they argued for five to seven minutes, never discussing going to court. He admitted saying "I'll beat your ass," but claimed the victim attacked him first, and he pushed her and hit her in self-defense. He retreated to his car and she followed him and yelled at him through the window.

The jury found Baker guilty. He admitted the strike and prior serious felony. The trial court dismissed the prior prison term enhancements in the interest of justice. The court sentenced Baker to 11 years in state prison (the high term of three years doubled to six for the prior strike, with a consecutive five years for the serious felony enhancement). Baker received custody credits of 590 days and was ordered to pay restitution, fines, and fees. He filed a timely notice of appeal.

We appointed counsel to represent Baker on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. On January 25, 2018, we advised Baker he had 30 days within which to submit personally any contentions or issues he wished us to consider. To date, we have received no response.

We have examined the entire record, and we are satisfied that Baker's counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

EGERTON, J.

We concur:

LAVIN, Acting P. J.

DHANIDINA, J.*

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