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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ALLAN VICTOR PORTER,

Defendant and Appellant.

2d Crim. No. B235058
(Super. Ct. No. 2010025287)
(Ventura County)

Allan Victor Porter appeals the judgment entered after a jury convicted him of misdemeanor assault (Pen. Code, § 240)¹ and disobeying a court order (§ 166, subd. (a)(4)).² Appellant was granted 36 months probation with terms and conditions including that he serve 120 days in county jail and pay \$1,300 in victim restitution.

¹ All further undesignated statutory references are to the Penal Code.

² The jury found appellant guilty of simple assault as a lesser included offense of corporal injury to a spouse or cohabitant (§ 273.5, subd. (a)). The jury failed to reach a verdict on a charge of making criminal threats (§ 422), and the charge was subsequently dismissed.

Appellant and Sheryl Goodall-Odinsoff (Goodall) began dating in August 2009 and briefly lived together in April 2010. On July 15, 2010, appellant and Goodall got into an argument while they were returning to Santa Paula from appellant's sister's house in Palmdale. As appellant was driving, he hit Goodall on the side of her head with a closed fist. Goodall opened the front passenger door and tried to jump out of the car, but she was stopped by her seat belt. Appellant tried to shove Goodall out of the car and hit her in the head, face, and nose.

When they arrived at appellant's apartment complex, appellant got out of the car and went to open the trunk. Goodall got into the driver's seat, drove to the police station, and reported the incident. Appellant was arrested and served with an emergency protective order prohibiting him from having any contact with Goodall. During the booking process, appellant was found to have high blood pressure and was transported to the hospital. The following morning, appellant sent Goodall text messages stating that he was in the hospital and apologizing for what had happened.

Appellant testified that he had merely pushed Goodall away after she got too close while he was driving. He also claimed that she had threatened to "get" him after he ignored her attempts to instigate an argument.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, she filed an opening brief in which no issues were raised.

On December 19, we advised appellant that he had 30 days within which to personally submit any issues he wanted us to consider. Appellant did not respond.

We have reviewed the record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 125-126.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P.J.

YEGAN, J.

Kent Kellegrew, Judge
Superior Court County of Ventura

Laurie A. Thrower, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.