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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

AARON JAMMALL TAYLOR,

Defendant and Appellant.

B279973

(Los Angeles County
Super. Ct. No. BA442863)

THE COURT:*

Defendant and appellant Aaron Jammall Taylor (defendant) appeals his judgment of conviction of assault by means likely to produce great bodily injury. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. After defendant was notified of his counsel's brief he filed two letter briefs, asserting that the

* ASHMANN-GERST, Acting P.J., CHAVEZ, J., GOODMAN, J.†

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

victim committed perjury. We have reviewed the entire record and defendant's letter briefs, and find substantial evidence supports defendant's conviction. Finding no other arguable issues, we affirm the judgment.

Defendant was charged by information with assault by means of force likely to produce great bodily injury, in violation of Penal Code section 245, subdivision (a)(4).¹ It was alleged that in committing the offense defendant personally inflicted great bodily injury on Khaled Ahmed (Ahmed), within the meaning of section 12022.7, subdivision (a). A jury found defendant guilty of the charge and the special allegation of great bodily injury to be true.

On November 10, 2016, the trial court sentenced defendant to a total term of six years in prison, comprised of the middle term of three years, enhanced by three years due to the great bodily injury finding.² The court imposed mandatory fines and fees, and awarded 337 days of presentence custody credit, which included 31 days of conduct credit. Defendant filed a timely notice of appeal from the judgment.

In his letter briefs, defendant has set forth in detail all perceived conflicts and contradictions in the testimony of the

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

A charge of assault with a deadly weapon, in violation of section 245, subdivision (a)(1), was dismissed prior to verdict.

² At sentencing the trial court stated that the middle term under section 245, subdivision (a)(4) was six years, but the court made clear that it was the middle term that was imposed. The court also said the aggregate term was six years, including the three-year enhancement. We thus conclude that the court intended to say that the middle term was three years, but misspoke. The minutes and abstract of judgment correctly reflect the court's intention.

prosecution witnesses, in order to demonstrate his contentions that the victim committed perjury and should not have been believed by the jury. It is the exclusive province of the jury to determine the credibility of witnesses and the truth or falsity of the facts supporting the verdict. (*People v. Jones* (1990) 51 Cal.3d 294, 314.) The reviewing court does not reweigh the evidence or resolve conflicts in the evidence. (*People v. Young* (2005) 34 Cal.4th 1149, 1181.) We construe defendant's arguments as a challenge to the sufficiency of the evidence. We have thus reviewed all the testimony given at trial, including defendant's testimony, in the light most favorable to the prosecution to determine whether it discloses substantial evidence, that is, evidence of reasonable, credible, and of solid value, such that a reasonable jury could find defendant guilty beyond a reasonable doubt. (*People v. Johnson* (1980) 26 Cal.3d 557, 578; see also *Jackson v. Virginia* (1979) 443 U.S. 307, 318-319.) As summarized below, the prosecution evidence was substantial and adequately supported the jury's determination.

Ahmed was the owner of a building which housed a restaurant and smoke shop. A private, locked restroom reserved exclusively for employees was located at the rear of the property. In October 2015, defendant gained access to the restroom, Ahmed saw him, and told him not to use it, as it was a private restroom. In mid-November, after an employee found defendant in the restroom and screamed, Ahmed asked defendant to leave the property, and escorted him toward the sidewalk. Defendant struck Ahmed in the back of the head, and as Ahmed turned back toward defendant, defendant struck him in the jaw. Ahmed fell, hit his head, and lost consciousness. Ahmed denied having raised his voice to defendant or having touched him. Ahmed underwent two surgeries to repair hematomas and bleeding in

his brain. He was unable to work for a year, could not drive, and had difficulty concentrating.

Restaurant employee Carla Contreras testified that she heard her coworker scream, and watched through a window as defendant hit Ahmed in the back of the head. She then ran outside, found Ahmed on the ground bleeding and unconscious, and saw defendant run away.

Defendant testified that he had never been in the restroom and was not in the restroom on the day in question. He claimed to have been in the area having a conversation with his friend “Mando” when he felt Ahmed push him from behind with both hands on his back. In his own defense, defendant turned and threw a “hammer fist” into Ahmed’s face, causing Ahmed to step backward and trip on his pant leg, which then caused him to fall and hit his head. Because Ahmed was unconscious and not moving, defendant asked his friend to call an ambulance, before walking home. Defendant claimed his friend recorded the incident on his phone and before defendant left the scene, showed defendant the video. Defendant did not know Mando’s last name or where he lived, and the video was not produced.

Having examined the entire record, we are satisfied that defendant’s appellate counsel has fully complied with her responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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