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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.

JESSE TALBOT JOHNSON,

Defendant and Appellant.

2d Crim. No.B282795  
(Super. Ct. No. 2016021124)  
(Ventura County)

Appellant Jesse Talbot Johnson waived his right to trial on four criminal charges. In a negotiated disposition, he pled guilty to inflicting corporal injury upon a spouse and admitted an allegation that he caused great bodily injury. (Pen. Code, §§ 273.5, subd. (a), 12022.7.)<sup>1</sup> He admitted a prior serious felony conviction for making criminal threats and a prior prison term enhancement. (§§ 422, 667, 667.5, subd. (b), 1170.12.)

Johnson appeals his sentence, totaling 14 years. The appeal does not affect the validity of his plea. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(4)(B), (5).)

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<sup>1</sup> Unlabeled statutory references are to the Penal Code.

We appointed counsel to represent Johnson in this appeal. After examining the record, counsel filed an opening brief raising no issues. On August 30, 2017, we advised Johnson that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We received no reply.

The record shows that Johnson and his wife argued at their home because she refused him access to her tablet computer; he allegedly wanted to see if she was unfaithful to him. When he threatened to “get violent,” she relented. Johnson looked at tablet and found something he did not like. He struck his wife approximately ten times with a closed fist, including five blows to her face. He kicked her two or three times in the ribs, broke a large glass mirror over her face, cut her with a piece of the broken mirror, and slammed her head against the floor repeatedly, causing her to lose consciousness. He threatened to kill her. Johnson is six feet, four inches tall and weighs 280 pounds.

Mrs. Johnson was hospitalized as a result of appellant’s attack. She suffered a fractured nose, a concussion, multiple lacerations to her legs requiring sutures, and rib fractures. Appellant was arrested. While being transported to jail, he said, “I’m out of here” and stomped the back window of the patrol car with both feet, breaking the glass.

An amended information charged Johnson with four felonies: corporal injury to a spouse (§ 273.5, subd. (a)); making criminal threats (§ 422); vandalism costing over \$400 (§ 594, subd. (b)(1)); and battery with serious bodily injury (§ 243, subd. (d)). A special allegation of causing great bodily injury was charged (§ 12022.7), along with a prior conviction and prison sentence for making criminal threats.

In a felony disposition, Johnson pled guilty to count 1, inflicting corporal injury on a spouse. He admitted causing great

bodily injury and the priors, and acknowledged that he could be sentenced to a maximum possible term of 18 years.

At sentencing, the court imposed a total sentence of 14 years. This consists of a three-year term on count 1, doubled to six years because of the prior serious and/or violent conviction. (§§ 273.5, subd. (a), 667, subd. (e)(1), 1170.12, subds. (b) and (c)(1).) The court found true the great bodily injury allegation and imposed a three year sentence, consecutive to count 1. (§ 12022.7, subd. (a).) The court found true the prior serious felony enhancement and imposed a five year sentence, consecutive to count 1. (§ 667, subd. (a)(1).) The court also ordered appellant to pay fees and fines; give DNA samples; and recommended a drug counseling program. The court determined that appellant had 348 days of pre-sentence credits.

We have reviewed the entire record and are satisfied that Johnson's attorney fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment (order) is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Matthew P. Guasco, Judge

Superior Court County of Ventura

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Richard B. Lennon, under appointment by the Court  
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.