

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ISAAC ORLANDO PRECIADO,

Defendant and Appellant.

B293778

(Los Angeles County
Super. Ct. No. VA146231)

APPEAL from an order of the Superior Court of Los Angeles County. Yvonne T. Sanchez, Judge. Affirmed.

Jerome J. Haig, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

In October 2017, defendant and appellant Isaac Orlando Preciado assaulted his girlfriend using a screwdriver. She suffered bruises and a cut that required stitches.

Defendant was charged by information with assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1) [count 1]), assault by means likely to produce great bodily injury (§ 245, subd. (a)(4) [count 2]), infliction of injury to a dating partner (§ 273.5, subd. (a) [count 3]) and misdemeanor giving false information to a law enforcement officer (§ 148.9, subd. (a) [count 4]). A great bodily injury enhancement was alleged as to counts 1, 2 and 3 (§ 12022.7, subd. (e)), and further, as to counts 2 and 3, it was alleged defendant used a deadly and dangerous weapon (screwdriver) in the commission of the offenses (§ 12022, subd. (b)(1)). It was also alleged defendant suffered two prison priors (§ 667.5) and one prior conviction of a serious or violent felony within the meaning of the “Three Strikes” law (§ 667, subds. (b)-(j), § 1170.12) and section 667, subdivision (a)(1).

On the first day of trial, the prosecution moved to dismiss counts 1 and 2 pursuant to Penal Code section 1385 and the court granted the request. The case proceeded to a jury trial on counts 3 and 4. The prior conviction allegations were bifurcated, and defendant later waived his right to a jury trial on those allegations.

Before opening statements were given, defendant agreed to withdraw his plea of not guilty on the misdemeanor (count 4) and enter a plea of no contest. The court accepted defendant’s waivers on the record and found his plea to be knowing, intelligent and voluntary. The court deferred sentencing on count 4.

The jury found defendant guilty on count 3 and found not true the great bodily injury and deadly weapon use allegations. Defendant admitted his prior strike and the two prison priors.

At the sentencing hearing, the court found there were no mitigating factors. The court sentenced defendant to state prison for eight years calculated as follows: a three-year midterm on count 3, doubled due to the prior strike, plus two consecutive one-year terms for each prison prior. The court also imposed a consecutive six-month term on count 4 to be served in any penal institution. The court did not impose a five-year enhancement pursuant to Penal Code section 667, subdivision (a)(1), the two enhancements having been found not true.

The court awarded defendant 697 days of presentence custody credits. The court imposed an \$80 court operations assessment (Pen. Code, § 1465.8), a \$30 criminal conviction assessment (Gov. Code, § 70373), a \$300 restitution fine (Pen. Code, § 1202.4, subd. (b)), and imposed and stayed a \$300 parole revocation fine (Pen. Code, § 1202.45). Defendant timely appealed.

We appointed appellate counsel to represent defendant. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent a letter to defendant explaining his evaluation of the record. Counsel further declared he advised defendant of his right, under *Wende*, to submit a supplemental brief within 30 days.

This court sent notice of the *Wende* filing to defendant on June 26, 2019, and again on July 19, 2019, after receiving notice

of a new custody address for defendant. Defendant did not file a supplemental brief.

We have examined the entire record and are satisfied that appointed counsel fully complied with his responsibilities in assessing whether any colorable appellate issues exist. We conclude there are no arguable appellate issues. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment of conviction is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.