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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

JACK ALBERT DAVIS,

Defendant and Appellant.

B286806

(Los Angeles County  
Super. Ct. No. KA115515)

APPEAL from a judgment of the Superior Court of Los Angeles County, Salvatore T. Sirna, Judge. Affirmed.

Russell S. Babcock, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Jack Albert Davis entered into a plea agreement under which he was sentenced to 20 years in state prison for injuring a cohabitant or girlfriend in violation of Penal Code section 273.5, subdivision (a).<sup>1</sup> On appeal, his appointed counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), requesting independent review of the record. We affirm the order.

### **FACTS<sup>2</sup>**

Christina S. met Davis on a dating website on February 22, 2017. He soon moved into her apartment with her and her children. Davis became paranoid that Christina was cheating on him as a result of smoking methamphetamine daily. Davis went to jail in April 2017.

When he returned to Christina's apartment on May 10, he continued to accuse her of cheating on him and began to hit her. In the beginning, the beatings occurred once every other day, but soon progressed to multiple times a day. He typically hit her in the face, causing her to fall. He then continued to hit,

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

<sup>2</sup> The statement of facts is derived from a probation report made confidential pursuant to section 1203.05, which limits public access to the report 60 days after judgment is pronounced or probation is granted. However, section 1203.05 is directed at personal information, which might ordinarily be confidential, rather than the nonpersonal information, such as the factual summary of an offense and the evaluations, analyses, calculations, and recommendations of the probation officer. (*People v. Connor* (2004) 115 Cal.App.4th 669, 696.) Thus, it is appropriate to rely on the probation report to provide a brief statement of facts. (*People v. Kelly* (2006) 40 Cal.4th 106, 110 (*Kelly*).)

kick, and punch her as she lay in a fetal position on the floor. He sometimes used a bat and stick to hit her. Other times, he used a closed folding knife. Davis refused to let Christina out of his sight and she wore a hoodie and sunglasses to cover her injuries when they left the apartment.

On June 10, Davis was forced to leave Christina by herself while he ran an errand because she could no longer hide her injuries. Fearing for her life, she sought help from a neighbor and called the police. Azusa police observed Christina's head and ears were severely swollen, she had massive bruising all over her body, and she had major contusions on her cheeks and eyes. At the hospital, Christina was told she had fractures of the 7th, 8th, and 9th ribs on her left side. Davis was arrested the same day.

Davis was charged with torture (count 1; § 206), assault with a deadly weapon (count 2; § 245, subd. (a)(1)), assault by means of force likely to produce great bodily injury (count 3; § 245, subd. (a)(4)), false imprisonment by violence (count 4; § 236), and injuring a cohabitant or girlfriend (count 5; § 273.5, subd. (a)). It was further alleged as to counts 1-3 and 5 that Davis inflicted great bodily injury on Christina. (§§ 12022.7, subds. (a) & (e), and 12022, subd. (b)(1).) It was also alleged Davis had four prior felony convictions and five prior prison sentences. (§§ 667.5 & 1203, subd. (e)(4).)

Davis pled no contest to count 5 for injuring a cohabitant or girlfriend and admitted to the allegations relating to the infliction of great bodily injury, the use of a deadly and dangerous weapon and the prior convictions and prison terms. (§§ 667.5, subds. (a)-(b), 1170.12, subd. (c), 12022, subd. (b)(1), & 12022.7, subd. (e).) The total stipulated term was 20 years in state prison.

Davis timely appealed and we appointed counsel to represent him on appeal.

### **DISCUSSION**

Davis' appointed counsel filed an opening brief on appeal pursuant to *Wende, supra*, 25 Cal.3d 436, asking this court to review the record independently for any arguable issues. We notified Davis by letter that he could submit any issues he wishes this court to review. We have received no response. We have independently reviewed the record on appeal, and find that appointed counsel has fulfilled his duty to conclude that no arguable issues exist. (*Ibid.*; *Kelly, supra*, 40 Cal.4th 106.)

### **DISPOSITION**

The judgment is affirmed.

BIGELOW, P.J.

We concur:

RUBIN, J.

GRIMES, J.