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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

GARY DEAN BOATWRIGHT,

Defendant and Appellant.

B282297

Los Angeles County
Super. Ct. No. BA412916

APPEAL from a judgment of the Superior Court of Los Angeles County, William N. Sterling, Judge. Affirmed.

Adrian K. Panton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Defendant Gary Dean Boatwright was convicted of two counts of assault with a deadly weapon and placed on probation. While on probation, he was arrested for felony vandalism. As part of a plea deal in the vandalism case, defendant admitted violating probation in this case. The court terminated probation, sentenced him to two years in state prison in this case, and dismissed the vandalism case. Our independent review of the record has revealed no arguable appellate issues. We therefore affirm the judgment.

BACKGROUND

Following a jury trial, defendant was convicted of two counts of assault with a deadly weapon. (Pen. Code,¹ § 245, subd. (a)(1).) At the probation and sentencing hearing on December 4, 2014, the court suspended imposition of sentence and placed defendant on three years' formal probation. Among other conditions of probation, defendant was ordered to serve 365 days in county jail and to obey all laws. In June 2016, this Division affirmed defendant's conviction. (*People v. Boatwright* (June 23, 2016, B260654) [nonpub. opn.])

On December 6, 2016, the court summarily revoked defendant's probation based on an allegation that while on probation in this case, defendant committed felony vandalism. On January 18, 2017, before a probation violation hearing could take place, defendant was charged with felony vandalism in a new case (No. BA452310) for damaging the windshield of a bus with a broom. Defendant pled no contest in the new case to one count of

¹ All undesignated statutory references are to the Penal Code.

felony vandalism (§ 594, subd. (a)). As part of a stipulated disposition, the parties agreed that defendant's plea in the vandalism case would serve as an admission of violation of probation in this case, the court would impose concurrent two-year prison terms for the assault convictions, and the vandalism case would be dismissed.

Both cases were called for sentencing on February 14, 2017. The court revoked defendant's probation and sentenced him to the low term of two years for each assault count, to run concurrently. Defendant received total credits of 513 days. Based on the plea agreement, defendant withdrew his no contest plea in the vandalism case, and the court granted the prosecution's motion to dismiss. Defendant filed a timely notice of appeal.

DISCUSSION

On January 8, 2018, defendant's appellate counsel filed a brief in which counsel raised no issues and asked us to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) By notice dated January 9, 2018, the clerk of this court advised defendant that he could submit within 30 days any contentions, grounds of appeal, or arguments he wished this court to consider. No response has been received to date. We have examined the entire record and are satisfied no arguable issues exist in the appeal before us. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The judgment is affirmed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

EGERTON, J.