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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE, Plaintiff and Respondent, v. BRYAN ABNEY, Defendant and Appellant.	B235423 (Los Angeles County Super. Ct. No. BA377273)

APPEAL from a judgment of the Superior Court of Los Angeles County. Ronald S. Coen, Judge. Affirmed.

Alex Coolman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Bryan Abney pled no contest to one count of inflicting corporal injury on a spouse or cohabitant (Pen. Code, § 273.5), and admitted that he had inflicted great bodily injury during the commission of that offense. (Pen. Code, § 12022.7, subd. (e).) He was sentenced to a total of seven years in state prison. This appeal followed.

We appointed counsel to represent him on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On March 5, 2012, appellant's counsel advised appellant that he intended to file such a brief, advised appellant that he could submit a supplemental brief in his own behalf, and transmitted a copy of the record on appeal to him. In addition, we advised appellant that he had 30 days in which to submit by brief or letter any argument or contention he wished this court to consider. In response, on April 5, 2012, we received a letter from appellant setting forth various contentions.

We begin our review with the evidence at the preliminary hearing: The offense was alleged to have been committed on October 12, 2010 and the victim was appellant's cohabitant, Yolanda V.

On that date, a police officer observed Yolanda V. in the hospital. The officer observed blood on Yolanda V.'s face, hands, and pants, and lacerations to her lips. She appeared to be scared, and complained of pain. Yolanda V. told the officer that appellant had assaulted her. She was in the back seat of his car, and when she tried to leave, he grabbed her arm and punched her in the face several times. He threw her purse out of the car, then went to get it. She got into the driver's seat, in an attempt to leave. Appellant punched the driver's side window, causing glass to shatter and cut her face. Yolanda V. also told the officer about a prior incident of domestic violence.

A second police officer who conducted a phone interview with Yolanda V. testified that she said that she had sustained a fractured nose and had required six sutures to her upper lip, because of this incident.

Because they are relevant to appellant's contentions, we also set out the facts relevant to appellant's plea.

When the case was called for trial, the court heard motions in limine and other preliminary matters. A recess was then taken. When the case was called again, the court said, "I understand counsel wishes to place on the record the offer that was made by the people. . . . I understand the people offered eight years, is that correct?" The deputy district attorney answered, "yes." The court said, "And the people were willing to consider and take to the superiors their offer of seven years, is that correct?" The district attorney again answered, "yes." Then, through colloquy with the district attorney, defense counsel, and appellant himself, the court established that appellant had rejected offers of eight years and of seven years, and was willing to plead only if the offer was six years, an offer which was not acceptable to the People.

Defense counsel asked appellant "do you want to take the seven?" Appellant said that he would agree to a six year sentence, and the district attorney agreed to convey the offer. A recess was taken.

When the case was called, the court noted its understanding that a disposition had been reached, and asked the district attorney to describe it for the record. The district attorney did so: Appellant would plead to the offenses detailed above, waive "back time," and receive a total term of seven years. Other offenses charged in the information would be dismissed. Defense counsel stated his agreement to this disposition, as did appellant.

The court then questioned appellant and advised him of his rights. Appellant waived his rights, informed the court that he was pleading no contest after fully discussing the case with his attorney, and that he was entering a plea because he believed that it was in his best interest to do so.

Before sentencing, appellant moved to withdraw his plea on the ground that he was pressured into entering the plea, and believed that the plea was not in his best interest. The court found no ground for withdrawal, but that appellant had presented only a case of "buyer's remorse." The motion was denied and appellant was sentenced in accord with the agreement.

On appeal, appellant again asserts that he was not given sufficient time to consider the prosecution's offer, that he entered the plea because he felt pressured, and that he entered the plea because he feared a long prison sentence if he did not plead guilty. He also asserts that he did not commit the crime. He asks us to review Yolanda V.'s testimony at an Evidence Code section 402 hearing. In that testimony, Yolanda V. testified that appellant did not cause her injuries, that she had asked the police to drop the case, and that she wished that she had never talked to the police.

We have examined the entire record and are satisfied that appellant's attorney fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) Moreover, after careful examination, we find no legal merit in appellant's claims of errors.

Appellant was represented by counsel, and further, personally took part in on-the-record plea negotiations. The court informed appellant of the prosecution's offer, informed appellant that "I am not pushing one way or the other. If you are not interested, that's fine, . . ." and, in taking the plea, specifically asked appellant if he needed more time to talk to his lawyer. Appellant said that he did not. There is no evidence that the plea was other than voluntary and informed, and ample evidence that it was voluntary and informed. There is no ground for reversal.

Disposition

The judgment is affirmed.

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ARMSTRONG, Acting P. J.

We concur:

MOSK, J. KRIEGLER, J.