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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.

GREGORY PAYTON,

Defendant and Appellant.

B285313

(Los Angeles County  
Super. Ct. No. MA051848)

APPEAL from an order of the Superior Court of Los Angeles County, Frank M. Tavelman, Judge. Affirmed.

Michael C. Sampson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Gregory Payton appeals from a judgment following the revocation of his probation. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting that this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

### ***FACTUAL AND PROCEDURAL BACKGROUND***

In March 2011, pursuant to a plea deal, appellant was sentenced to the high term of four years in state prison for one count of assault with a deadly weapon, plus a consecutive one-year sentence for a prison prior (Pen. Code, § 667.5, subd. (b)). The trial court suspended execution of the sentence, and placed appellant on probation for three years. Appellant was ordered to complete 45 days of work for CalTrans.

In March 2014, the probation department filed a notice of violation, alleging that appellant had failed to complete 45 days of service as required. The trial court extended appellant's probation for one year.

Two months later, in May 2014, appellant was arrested for domestic battery. The trial court revoked his probation. The battery case was ultimately dismissed.

In May 2016, the court held a probation revocation hearing. The court found that appellant had violated the conditions of his probation, including by not completing 45 days of work for CalTrans. The court revoked probation and imposed the previously suspended five-year sentence. Appellant filed a timely notice of appeal.

### ***DISCUSSION***

We appointed counsel to represent appellant on appeal. After review of the record, appellant's court-appointed counsel

filed an opening brief asking this court to review the record independently pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436, 441. On January 31, 2018, we advised appellant he had 30 days to submit any contentions or issues he wished us to consider. Appellant has not filed a supplemental brief.

We have examined the entire record and determined that, no arguable issues exist and appellant's counsel has fully complied with his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–279; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

***DISPOSITION***

The trial court's order is affirmed.

RUBIN, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.