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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.

VICTOR HUGO CAZAREZ,

Defendant and Appellant.

B283592

(Los Angeles County  
Super. Ct. No. KA110250)

APPEAL from a judgment of the Superior Court of Los Angeles County. Robert M. Martinez, Judge. Affirmed.

Lori A. Quick, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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A jury convicted defendant and appellant Victor Hugo Cazarez of the following offenses: count 1—aggravated mayhem (Pen. Code, § 205),<sup>1</sup> with a further finding that defendant inflicted great bodily injury in the commission of the offense (§ 12022.7, subd. (e)); count 2—misdemeanor child abuse (§ 273a, subd. (b)); count 3—dissuading a witness (§ 136.1, subd. (a)(1)); and count 4—infliction of corporal injury on a cohabitant, girlfriend, or child’s parent (§ 273.5, subd. (a)), with a finding defendant inflicted great bodily injury in the commission of the offense (§ 12022.7, subd. (e)). Defendant was sentenced in count 1 to an indeterminate term of life in prison.<sup>2</sup> Defendant was sentenced to 180 days in the county jail in count 2, with credit for 180 days served. A consecutive sentence of three years in prison was imposed in count 3. A nine-year state prison term was imposed in count 4, consisting of the upper term of four years for the charged offense and three years for infliction of great bodily injury, with the sentence stayed under section 654.

Defendant filed a timely notice of appeal. This court appointed counsel for defendant on appeal. Appointed counsel filed a brief raising no issues, but requested this court to independently review the record for arguable

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<sup>1</sup> Statutory references are to the Penal Code.

<sup>2</sup> The great bodily injury finding was stricken as to count 1 only.

contentions pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised on his right to file a supplemental brief within 30 days.

Defendant filed a one-page letter brief stating that his attorney failed to object to incomplete and prejudicial crime scene photographs. According to defendant, the photographs do not depict all the sharp scrap metal in the restroom where the assault took place. His attorney failed to object to admission of the photographs under Evidence Code section 352.

We have completed our independent review of the record and considered defendant's arguments. The prosecution introduced evidence that defendant, in a fit of jealousy and anger, attacked E.M., his pregnant cohabitant. In the attack, defendant bit off a substantial portion of E.M.'s nose, supporting the convictions and great bodily injury findings in counts 1 and 4. Portions of the attack, as well as E.M.'s injury, were witnessed by E.M.'s young son, which supports the conviction in count 2. The conviction in count 3 was based on phone calls defendant made from jail to E.M., despite the existence of a "no contact" order prohibiting contact by defendant or others on his behalf, as well as calls in which defendant requested others to speak to E.M. about not appearing in court. Substantial evidence supports the jury's findings as to all counts and the great bodily injury findings. In addition, the jury was properly instructed, and the sentence imposed was consistent with statutory law.

Defendant's conclusory claim that he received ineffective assistance of counsel at trial does not warrant reversal. The appellate record contains nothing to support defendant's claim that the photographs were misleading, there is nothing in the appellate record explaining counsel's failure to object, and defendant fails to establish prejudice. (*Strickland v. Washington* (1984) 466 U.S. 668, 687 [burden is on defendant to show that counsel's performance was deficient and that the deficient performance prejudiced the defense].)

We are satisfied that appointed counsel on appeal fulfilled her obligations. There are no arguable appellate issues. The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, Acting P.J.

We concur:

BAKER J.

KIM, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.