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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.

CRYSTAL FAYE SMITH,

Defendant and Appellant.

B232849

(Los Angeles County
Super. Ct. No. MA050499)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Christopher G. Estes, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance on behalf of Plaintiff and Respondent.

Defendant, Crystal Faye Smith, appeals from a judgment after she pled no contest to one count of child abuse (Pen. Code,¹ § 273a, subd. (a)) and that in committing the child abuse she inflicted great bodily injury on S.G., who was under the age of five years (§ 12022.7, subd. (d)). Charges defendant had committed mayhem (§ 203) and torture (§ 206) were dismissed as part of the plea negotiation.

Defendant was sentenced to a total of six years which consisted of the lower term of two years for the child abuse charge and four years for the infliction of great bodily injury allegation. Defendant was given a total of 185 days of presentence custody credit consisting of 161 days of actual custody plus 24 days of conduct credit. Defendant was ordered to pay: a restitution fine of \$1,200 (§ 1202.4, subd. (b)(1)); a \$1,200 parole revocation fine (§ 1202.45); a \$40 court security assessment fee (§ 1465.8, subd. (a)(1); and a \$30 criminal conviction fee (Gov. Code, § 70373, subd. (a)(1)).

Because defendant pled no contest after waiving her right to a preliminary hearing, the following facts are taken from the probation report. Defendant was the caretaker of S.G., a 21-month-old toddler. The toddler had been removed by social services from her parents' custody. Defendant submerged the toddler's hands and feet in scalding hot water. Defendant then failed to seek immediate medical attention for the child. Defendant allowed the child to suffer for several hours. The child suffered second and third degree burns that will require several surgeries and skin grafts. The child will also have permanent scarring and possible mobility and functionality impairment.

On July 25, 2011, we issued an order to show cause re dismissal on the grounds defendant had not obtained a probable cause certificate and had failed to comply with California Rules of Court, rule 8.304(b). On January 17, 2012, we granted defendant's motion to amend the notice of appeal to state that the appeal was from matters occurring after the plea, which did not affect its validity.

We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an "Opening Brief" in which no issues were raised. Instead, counsel

¹ All further statutory references are to the Penal Code unless otherwise indicated.

requested this court independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On January 27, 2012, we advised defendant that she had 30 days within which to personally submit any contentions or arguments she wishes us to consider. No response has been received.

We have examined the entire record and are satisfied appointed appellate counsel has fully complied with his responsibilities. No argument exists favorable to defendant in the appeal. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende, supra*, 25 Cal.3d at p. 441.) The judgment is affirmed.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

MOSK, J.