

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

TRITISSE LAJUNE BRUNER,

Defendant and Appellant.

B271231

(Los Angeles County
Super. Ct. No. YA092734)

APPEAL from a judgment of the Superior Court of Los Angeles County, Scott T. Millington, Judge. Affirmed.

Lise M. Breakey, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted appellant Tritissee Bruner of assault with a deadly weapon, and found true that she personally inflicted great bodily injury (GBI) in the commission of the offense. (Pen. Code, §§ 245, subd. (a)(1); 12022.7, subd. (a).) The trial court sentenced Bruner to a total term of five years as follows: the low term of two-years for the substantive offense, plus three years for the GBI enhancement. The court awarded Bruner presentence credits and imposed a series of ordinary fines and fees. Bruner's appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm the judgment.

FACTS

Viewed in accord with the usual standard of review on appeal (see, e.g., *People v. Zamudio* (2008) 43 Cal.4th 327, 357), the evidence at trial showed that Bruner accosted Larissa Avila at a gas station on March 24, 2015. She then initiated a fist-fighting and wrestling-style struggle with Avila which ended with Bruner stabbing Avila with a knife in her upper back, near her shoulder blade area. The weapon was left imbedded in Avila's back without her realizing it.

When Avila went to the gas station's bathroom to clean blood from her face, the cashier told her, "Oh, my god, you have a knife in your back. You have a knife in you back." On hearing that she had been stabbed, Avila went back outside to try stopping Bruner before she left the gas station, but Bruner drove from the scene. Avila called 911 and described Bruner's car, including the license plate number. Avila was treated at the UCLA trauma unit for a puncture wound; the wound took two months to heal. City of Inglewood Police Department Detective Jean Waters arrested Bruner in early May 2015.

The People filed an information charging Bruner with assault with a deadly weapon on Avila, and alleged great bodily injury had been inflicted. The case was tried to a jury, at which time the prosecution presented evidence establishing the facts summarized above. Avila and two witnesses who had been with her in her car at the time of the assault, Avila's sister Stacy Avila and Avila's friend Myla Jacobs, testified for the prosecution. As noted above, the prosecution evidence established that Bruner was the aggressor in the incident at the gas station. Bruner testified in her own defense, supported by the testimony of a bystander, Tyra Swan. The defense version of events painted Avila as the aggressor, with Bruner, in the words of Swan, being "the one who was beat up." During her testimony, Bruner suggested that Avila may have fallen on Bruner's knife while the two were struggling on the ground. Bruner said she carried the knife for her work as a caterer. Bruner claimed that she did not know her knife had gone into Avila's back until after Bruner had been arrested.

The case was submitted to the jury with instructions on self-defense and accident. The jury asked a question about the three elements of self-defense set forth in CALCRIM No. 3470, specifically, did all three elements have to be "valid" or, "if one of the three is in question, does it invalidate self-defense."¹ After

¹ CALCRIM No. 3470, as read by the trial court, instructed the jurors: "The defendant is not guilty of [assault] if she used force against the other person in lawful self-defense. The defendant acted in lawful self-defense if: [¶] 1. The defendant reasonably believed that she was in imminent danger of suffering bodily injury or was in imminent danger of being touched unlawfully; [¶] 2. The defendant reasonably believed that the immediate use of force was necessary to defend against that

conferring with the lawyers, the court instructed the jury that all elements had to be present “for the right of [self-defense] to apply.” The jury returned a verdict finding Bruner guilty as charged, and the trial court sentenced Bruner as noted at the outset of this opinion.

DISCUSSION

We appointed counsel to Bruner on appeal. Appointed counsel filed an opening brief pursuant to *Wende, supra*, 25 Cal.3d 436, asking our court to review the record independently for any arguable issues. We notified Bruner by letter that she could submit any arguments or issues that she wanted our court to review. Bruner has not responded to our letter.

DISPOSITION

We have independently reviewed the record on appeal, and find that appointed counsel has fulfilled her duty, and that no arguable issues exist. (*Wende, supra*, 25 Cal.3d 436, *People v. Kelly* (2006) 40 Cal.4th 106.) The judgment is affirmed.

BIGELOW, P.J.

We concur:

RUBIN, J.

GRIMES, J.

danger; and [¶] 3. The defendant used no more force than was reasonably necessary to defend against that danger.”