

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEJANDRO VARGAS,

Defendant and Appellant.

B237665

(Los Angeles County
Super. Ct. No. KA094891)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Steven D. Blades, Judge. Affirmed.

Kevin Michele Finkelstein, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Alejandro Vargas appeals his conviction, following a jury trial, of a single count of assault with a deadly weapon in violation of Penal Code section 245, subdivision (a)(1). The jury also found that appellant personally inflicted great bodily injury within the meaning of Penal Code section 12022.7, subdivision (a). Appellant was sentenced to five years in prison, consisting of the two-year low-term for the assault conviction, plus three years pursuant to Penal Code section 12022.7, subdivision (a). Appellant was awarded 135 days of custody credits. We appointed counsel to represent him on this appeal. Finding no error, we affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Rudy Regalado testified that on the afternoon of July 14, 2011, as he was sitting on the ground outside of a Jamba Juice and Baja Fresh panhandling, appellant approached him. Regalado told appellant that he did not wish to speak to him, and repeatedly told him to go away. After showing Regalado a box cutter he carried in his pocket, appellant continued to approach Regalado. Fearing that appellant might stab him, Regalado kicked appellant to keep him away. Appellant fell down, got back up, and again advanced toward Regalado with the box cutter in his hand. Appellant slashed the inside of Regalado's right leg above the ankle. Appellant left the premises. Two additional witnesses, one an employee of Baja Fresh and the other a customer of Jamba Juice, essentially corroborated the victim's testimony that appellant was the aggressor in the confrontation. Appellant was apprehended a short time later, still in possession of the box cutter.

The medical personnel who treated Regalado's wound testified that the laceration was 6 centimeters long and was closed with staples.

Appellant testified that he was acting in self-defense when he cut Regalado. He stated that Regalado kicked him without provocation, and that he stabbed Regalado in the leg when Regalado tried to kick him a second time.

CONTENTIONS

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record. By notice filed May 7, 2012, the clerk of this court advised appellant to submit within 30 days any contentions, grounds of appeal or arguments he wished this court to consider. No response has been received to date.

DISCUSSION

We have examined the entire record and are satisfied counsel has complied fully with counsel's responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

ARMSTRONG, J.

We concur:

TURNER, P. J.

MOSK, J.