

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

GIOVANNI WILLIAMS,

Defendant and Appellant.

A132742

(Solano County Super.  
Ct. No. VCR210456)

In this appeal, we conclude that the trial court erred by imposing a consecutive one-year enhancement for a prior prison term commitment pursuant to Penal Code section 667.5, subdivision (b), in addition to a five-year enhancement for a serious prior felony conviction pursuant to Penal Code section 667, subdivision (a)(1), both based on the same prior conviction.<sup>1</sup> We therefore strike the one-year prior prison term enhancement, and otherwise affirm the judgment.

**STATEMENT OF FACTS AND PROCEDURAL HISTORY<sup>2</sup>**

Defendant was convicted following a jury trial of infliction of corporal injury on a spouse (§ 273.5, subd. (a)), and making criminal threats (§ 422), with use of a knife in the commission of the criminal threats offense (§ 12022, subd. (b)(1)). The trial court found that defendant suffered a prior serious felony conviction (§ 667, subd. (a)(1)), a prior prison term commitment (§ 667.5, subd. (b)), and a prior strike conviction (§§ 667, subds.

<sup>1</sup> All further statutory references are to the Penal Code.

<sup>2</sup> In light of the issue raised on appeal, which relates solely to the imposition of multiple enhancements for a single prior conviction, the facts pertinent to the underlying offenses need not be recited. We will focus our narration of facts on the sentence imposed on defendant.

(b)–(i), 1170.12, subds. (a)–(d)). The court imposed an aggregate state prison term of ten years, computed as follows: the middle term of two years for the criminal threats conviction, doubled for the prior strike; a two-year concurrent term, doubled, for the infliction of corporal injury conviction; a five-year enhancement for the prior serious felony conviction; and a one-year enhancement for the prior prison term.

### **DISCUSSION**

Defendant contends and the Attorney General concedes that the trial court erred by imposing a consecutive five-year enhancement under section 667, subdivision (a)(1), for a prior serious felony conviction, and a one-year prior prison term enhancement under section 667.5, subdivision (b), for the same prior conviction. (*People v. Jones* (1993) 5 Cal.4th 1142, 1150–1153; *People v. Perez* (2011) 195 Cal.App.4th 801, 805–806; *People v. McFearson* (2008) 168 Cal.App.4th 388, 395.) The one-year section 667.5, subdivision (b) enhancement must be stricken.

### **DISPOSITION**

The imposition on defendant of a one-year enhancement for a prison term prior under section 667.5, subdivision (b) is stricken. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.

---

Dondero, J.

We concur:

---

Marchiano, P. J.

---

Margulies, J.