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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,
Plaintiff and Respondent,
v.
TIMOTHY EVERETT BEALL,
Defendant and Appellant.

A140115
(Contra Costa County
Super. Ct. No. 01-161502-0)

Timothy Everett Beall appeals from a judgment imposed after revocation of his probation. His counsel raises no issues and asks this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was apprised of his right to file a supplemental brief but did not do so.

On March 19, 2013, defendant waived his right to a jury trial and pled guilty to corporal injury on a cohabitant (Pen. Code, § 273.5, subd. (a)). The court sentenced defendant to three years in state prison, suspended execution of sentence, and placed defendant on probation for a period of three years on conditions including one year in the county jail. The court ordered that defendant could do six months of the county jail sentence in an approved residential treatment program for substance abuse. On April 16, 2013, the court ordered defendant released to the Sacramento Veterans Resource Center for a six-month residential treatment program.

The People filed a petition to revoke probation on May 21, 2013, alleging that defendant violated probation by violating a criminal protective order, being under the

influence of alcohol, and failing to complete the residential treatment program. Thomas Uhlman testified that on May 18, 2013, he received a call from his daughter who asked him to come to her apartment.¹ When he returned home, there was a phone message on his answering machine from defendant in which he said, “Pray for your daughter.” Uhlman believed that the message was a threat. He reported the message to the police.

That same day, Officer Tony Killion responded to a report of a domestic violence restraining order incident in the Oak Grove Road area and canvassed the neighborhood looking for defendant. At approximately 7:12 p.m., Killion saw defendant and he appeared to be under the influence of alcohol. His eyes were red, he swayed from side to side, and he smelled of alcohol. He was also confrontational. Killion arrested him. A breath sample showed his blood alcohol level to be .151.

The court revoked probation and imposed the previously suspended sentence of three years in state prison. The court awarded defendant custody credits of 360 days.

On February 20, 2014, defendant moved to correct his presentence credits, contending that he was entitled to an additional 29 days of actual custody credits for time spent in the residential treatment program for a total of 389 days of custody credits. The trial court granted the motion.

Defendant was represented by counsel throughout these proceedings. The court has reviewed the entire record and there are no meritorious issues to be argued.

The judgment is affirmed.

¹ The court struck Uhlman’s testimony of his observations of his daughter’s emotional state.

Rivera, J.

We concur:

Ruvolo, P.J.

Humes, J.