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

THE PEOPLE,
Plaintiff and Respondent,
v.
AJESH BHAN,
Defendant and Appellant.

A141103
(San Mateo County
Super. Ct. No. SC079919)

On December 23, 2013, the San Mateo County District Attorney filed an amended complaint charging appellant Ajesh Bhan with felony violations of threatening a victim or witness who provided assistance to law enforcement in a criminal court proceeding (Pen. Code, § 140, subd. (a) (count 1)),¹ corporal injury resulting in a traumatic condition (§ 273.5, subd. (a) (count 2)), assault by means likely to cause great bodily injury (§ 245, subd. (a)(4) (count 3)), and false imprisonment (§ 236 (count 4)). Count 2 alleged Bhan had inflicted injury upon Jane Doe, a person with whom he was cohabiting.

On January 16, 2014, Bhan waived his right to a preliminary hearing and pleaded no contest to the offense charged in count 2—corporal injury resulting in a traumatic condition—in exchange for three years’ probation and no more than six months in the county jail. It was also agreed his probation in a misdemeanor case (Case. No. NM421512) would be terminated and that all remaining counts would be dismissed with

¹ All undesignated statutory references are to the Penal Code.

a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754. Counsel stipulated to a police report as the factual basis for the plea.

Directly after the plea proceeding, the court suspended imposition of sentence, and placed appellant on three years' probation. Conditions of probation included a six-month commitment in the county jail and a no-contact order. Bhan was given a total of 76 days credit for time served. He was ordered to pay a \$300 restitution fund fine (§ 1202.4, subd. (b)), a \$300 probation revocation fine (§ 1202.44), a court operations fee of \$40 (§ 1465.8, subd. (a)(1)), a criminal conviction assessment of \$30 (Gov. Code, § 70373, subd. (a)(1)), a \$200 fine to a battered women's shelter (§ 1203.097, subd. (a)(11)(A)), a \$500 fee to the domestic violence fund (§ 1203.097, subd. (a)(5)(A)), and a supervised probation fee of \$100 per month (§ 1203.1b, subd. (a)).

On February 24, 2014, Bhan filed a timely notice of appeal.

On July 23, 2014, appointed counsel submitted a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, certifying that he has been unable to identify any issues for appellate review. Counsel has also submitted a declaration affirming that he has advised Bhan of his right to file a supplemental brief raising any points which he wishes to call to the court's attention. No supplemental brief has been submitted.

DISCUSSION

As required, we have independently reviewed the entire record and found no arguable issues. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110.)

In addition, Bhan's plea of no contest and his admission of a probation violation restrict our review to grounds that (1) arose after the pleas and admission and (2) do not affect their validity. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(1), (4)(B); see *People v. Billetts* (1979) 89 Cal.App.3d 302, 308-309.) In any event, because he pleaded no contest to the charge pursuant to a negotiated plea agreement, we may not consider any attack on the legality of his sentence in the absence of a certificate of probable cause. (See *People v. Cuevas* (2008) 44 Cal.4th 374, 384.)

The hearing at which Bhan's misdemeanor probation was revoked complied with the due process and procedural requirements enunciated in *People v. Vickers* (1972) 8

Cal.3d 451. Bhan was represented at all times by counsel. The court's decision to revoke his misdemeanor probation is supported by substantial evidence. (E.g., *People v. O'Connell* (2003) 107 Cal.App.4th 1062, 1066.) The conditions of probation are authorized by law. (§§ 273.5, subs. (g), (i), 1203.097, subd. (a).)

DISPOSITION

The judgment is affirmed.

Jones, P.J.

We concur:

Simons, J.

Bruiniers, J.