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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES NELSON,

Defendant and Appellant.

A142588

(Lake County  
Super. Ct. Nos. CR932823, CR935472)

Defendant James Nelson appeals from judgments entered on his plea of no contest and admission to violating probation. His counsel has asked 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.) Nelson was informed of his right to file a supplemental brief and did not do so. We conclude there are no arguable issues and affirm.

In 2013, after a violent dispute with his wife, Nelson was charged in case no. CR932823 with felony counts of making criminal threats, possession of a nunchaku, and possession of a billy, blackjack, sandbag, sandclub, sap, or slungshot.<sup>1</sup> Under a plea agreement, he pleaded no contest to the nunchaku count, and the remaining counts were dismissed. The trial court suspended imposition of the sentence and placed him on probation for three years, subject to various conditions, including that he “not violate any law” and obey a protective order prohibiting any contact with his wife. The court also ordered him to pay various fees and fines.

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<sup>1</sup> The counts were brought under Penal Code sections 422, 22010, and 22210, respectively. All further statutory references are to the Penal Code.

About five months after being placed on probation, Nelson had another violent dispute with his wife. He was charged in case no. CR935472 with felony counts of false imprisonment, assault with a deadly weapon, assault by means of force likely to produce great bodily injury, and making criminal threats, and a misdemeanor count of spousal battery.<sup>2</sup> Under another plea agreement, he pleaded no contest to the misdemeanor count and admitted to violating probation by committing the new crime. The remaining counts were dismissed.<sup>3</sup> The trial court revoked his probation and sentenced him to two years in county jail for the probation violation and a concurrent term of 300 days in county jail for the misdemeanor.

No error appears in the entry of the plea or the sentencing proceedings in either case. Nelson was advised of his constitutional rights and the consequences of his pleas before he entered them, and he received the sentences he was promised. The trial court found both times that his waiver of rights was knowing and intelligent, that the plea was free and voluntary, and that there was a factual basis for the plea. He admitted that he violated his probation by committing spousal battery. He was represented by counsel throughout the proceedings.

There are no meritorious issues to be argued on appeal. The judgment in both cases is affirmed.

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<sup>2</sup> The felony counts were brought under sections 236, 245, subdivision (a)(1), (4), and 422, respectively, and the misdemeanor count was brought under section 243, subdivision (e)(1).

<sup>3</sup> The count of assault with a deadly weapon had previously been dismissed on the People's motion.

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Humes, P.J.

We concur:

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Margulies, J.

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Dondero, J.