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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.

JENNINGS BRIAN JACKSON,

Defendant and Appellant.

A143098

(Lake County  
Super. Ct. Nos. CR929837 &  
CR935687)

Defendant Jennings Jackson appeals following judgments entered pursuant to a no contest plea in one case and an admission he violated probation in another. In the first case, No. CR935687, he pled no contest to two misdemeanors, possession of a controlled substance (Bus. & Prof. Code, § 4060) and driving with a suspended license (Veh. Code, § 14601.1, subd. (a)). In the second case, No. CR929837, he admitted violating the terms and conditions of his probation in connection with a conviction entered on June 12, 2012, pursuant to a no contest plea to corporal injury on a spouse (Pen. Code, § 273.5, subd. (a)). The negotiated disposition of the new case and probation violation involved prison time in the second case, but the length of sentence was left to the court. The trial court refused to reinstate probation and imposed the upper term of four years in case No. CR929837. It similarly refused to grant probation in case No. CR935687 and sentenced him to 180 days on each misdemeanor, each to run concurrently with the sentence in case No. CR929837.

His appellate counsel has raised no issues and asks this court for an independent review of the record to determine whether there are any issues that would, if resolved favorably to defendant, result in reversal or modification of the judgment. (*People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436.) Defendant was notified of his right to file a supplemental brief, and has done so. Upon independent review of the record, we conclude no arguable issues are presented for review, and affirm the judgments.

### DISCUSSION

Penal Code section 1237.5 generally precludes an appeal from a judgment of conviction after a plea of no contest or guilty unless the defendant has applied for, and the trial court has granted, a certificate of probable cause. There are two exceptions: (1) a challenge to a search and seizure ruling, as to which an appeal is proper under Penal Code section 1538.5, subdivision (m); and (2) postplea sentencing issues. (*People v. Shelton* (2006) 37 Cal.4th 759, 766; see also *People v. Buttram* (2003) 30 Cal.4th 773, 780.) The record contains no certificate of probable cause. Nor did defendant file any suppression motion in the most recent case, No. CR935687. Accordingly, defendant may not challenge the validity of his plea or any other matter that preceded its entry. (*People v. Cole* (2001) 88 Cal.App.4th 850, 868.)

Therefore our review is of the postplea record. It shows defendant was ably represented by counsel. Defendant completed and executed a written plea form. The court fully advised defendant in taking his no contest plea in case No. CR935687 and his admission that he violated probation in case No. CR929837. The court did not abuse its discretion in the sentences it imposed. (See *People v. Tang* (1997) 54 Cal.App.4th 669, 679 [“ ‘ ‘severity of the sentence and the placing of defendant on probation rest in the sound discretion of the trial court” ’ ”].) It is clear the court reviewed the probation reports, which the parties stipulated could be considered. It duly set forth on the record why it was not reinstating and granting probation, and enumerated the aggravating and mitigating factors pertaining to the term imposed in case No. CR929837. It properly ordered custody credits, and imposed all required fines and fees.

**DISPOSITION**

After a review of the relevant record, we find no arguable issues and affirm the judgments.

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Banke, J.

We concur:

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Margulies, Acting P. J.

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Dondero, J.