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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.

JAMIE LASHAN PATTON,

Defendant and Appellant.

A143480

(Solano County
Super. Ct. No. VCR218806)

Jamie Lashan Patton appeals from a judgment upon his plea of no contest to assault by means of force likely to cause great bodily injury (Pen. Code,¹ § 245, subd. (a)(4) (count 1)). 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 June 2, 2014, an information was filed charging defendant with assault with a deadly weapon by means likely to produce great bodily injury (§ 245, subd. (a)(1)) and battery with serious bodily injury (§ 243, subd. (d)). The charges stemmed from an incident in which defendant got into a fight with the victim over change owed from a soda purchase. Defendant struck the victim in the face with a metal pipe, causing the victim to lose consciousness. The victim's injuries required reconstructive surgery.²

¹ All subsequent statutory references are to the Penal Code.

² There is some dispute in the record as to whether defendant caused the victim's serious facial injuries.

On August 21, 2014, the trial court granted the district attorney's motion to amend count 1 to charge a violation of section 245, subdivision (a)(4). That same day, defendant waived his right to a jury trial and pled no contest to assault by means of force likely to cause great bodily injury. Defendant entered the plea with the understanding that he could be sentenced to a maximum term of four years and eight months in state prison.

On October 24, 2014, the court sentenced defendant to the upper term of four years on the assault offense. The court cited the aggravating factors of defendant's prior extensive criminal history and the violence over the purchase of sodas which the court found to be "frighteningly petty." The court awarded 410 days of conduct credits. On February 6, 2015, the superior court corrected the amount of presentence credits to 412 days.

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

The judgment is affirmed.

Rivera, J.

We concur:

Ruvolo, P.J.

Streeter, J.