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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.

JASON RYAN OMHOLT,

Defendant and Appellant.

A145845

(Humboldt County

Super. Ct. No. CR1405714)

Appellant Jason Ryan Omholt appeals from a judgment following his guilty plea to one count of assault with a deadly weapon on a police officer (Pen. Code, § 245, subd. (c))¹ and his admission to one strike prior (§ 667). Appellant’s counsel has raised no issue on appeal and asks this court for an independent review of the record to determine whether there are any arguable issues. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) Appellant has filed two supplemental briefs. We have reviewed the entire record and appellant’s supplemental briefs, find no arguable issues, and affirm.

BACKGROUND

In October 2014, appellant took a car without the owner’s permission. Police were able to locate the car by tracking an iPhone that had been left inside. When the officers found the car, appellant was inside with a female passenger. The officers pulled

¹ All undesignated section references are to the Penal Code.

their patrol vehicle behind the stolen car and activated the emergency lights. Appellant put the stolen car in reverse and backed into the patrol vehicle, hitting it, then drove forward into a fence. Appellant left the car and ran into the woods.²

In November 2014, appellant was charged with unlawful driving or taking of a vehicle (Veh. Code, § 10851, subd. (a)); assault with a deadly weapon (§ 245, subd. (a)(1)); evading an officer while recklessly operating a motor vehicle (Veh. Code, § 2800.2, subd. (a)); and vandalism causing more than four hundred dollars of damage (§ 594, subd. (b)(1)). The complaint also alleged appellant had one prior strike, a 2008 robbery conviction (§ 667, subds. (b)–(i)).

In May 2015, appellant pled guilty to a new count, assault with a deadly weapon, a vehicle, on a police officer (§ 245, subd. (c)) and admitted the prior strike, in exchange for an agreed-upon ten year prison sentence and dismissal of the remaining counts as well as several other pending cases, with waivers pursuant to *People v. Harvey* (1979) 25 Cal.3d 754 (*Harvey*). Appellant also agreed to waive presentence credits earned prior to the date of the plea. Before his guilty plea, the trial court advised appellant that he would be pleading to a serious felony under the Three Strikes Law; because of the *Harvey* waiver, the court could order victim restitution for victims in the dismissed cases; and his driver's license would be permanently revoked pursuant to Vehicle Code section 13351.5.³ Appellant acknowledged that he understood these and other consequences of his plea.

² The facts are taken from the prosecutor's statement of the factual basis for appellant's plea, which appellant's trial counsel accepted.

³ Vehicle Code section 13351.5 provides, in relevant part: "(a) Upon receipt of a duly certified abstract of the record of any court showing that a person has been convicted of a felony for a violation of Section 245 of the Penal Code and that a vehicle was found by the court to constitute the deadly weapon or instrument used to commit that offense, the department immediately shall revoke the privilege of that person to drive a motor vehicle. [¶] (b) The department shall not reinstate a privilege revoked under subdivision (a) under any circumstances."

In June 2015, appellant was sentenced to 10 years in prison. The court awarded presentence credits for days in custody since his guilty plea, ordered appellant to pay certain fines and fees, and ordered the permanent revocation of his driver's license. Victim restitution was reserved at the time of sentencing. After sentencing, two victim restitution orders issued pursuant to appellant's *Harvey* waiver. For both victims, appellant stipulated to the amount of restitution.

DISCUSSION

Appellant was adequately represented by legal counsel throughout the proceedings. The trial court described the constitutional rights he was waiving by entering a guilty plea and advised him of the consequences of the plea. There was a factual basis for the plea. The trial court found appellant's plea was knowing and voluntary.

The sentence was consistent with the plea agreement. The sentencing credits, fines, and fees were proper. Victim restitution pursuant to the *Harvey* waiver was appropriate. (*People v. Baumann* (1985) 176 Cal.App.3d 67, 74–76 [*Harvey* waivers permit consideration of dismissed counts for purposes of victim restitution].)

Appellant's first supplemental brief is titled "Fiduciary Appointment and Authorization" and purports to appoint his appellate attorney as a fiduciary pursuant to federal regulations. It raises no challenge to the criminal conviction at issue. Appellant's second supplemental brief is captioned "Contractual Default/Redeeming of outstanding obligations/Discharge of debt due to Fraud, Barratry, Covin." The only contention potentially applicable to this case is that appellant did not consent to enter into a contract. To the extent this is an argument that appellant did not voluntarily consent to enter into the plea agreement, we reject the contention as not supported by the record.

DISPOSITION

The judgment is affirmed.

SIMONS, Acting P.J.

We concur.

NEEDHAM, J.

BRUINIERS, J.