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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER WEBB,

Defendant and Appellant.

B232092

(Los Angeles County
Super. Ct. No. BA353686)

APPEAL from a judgment of the Superior Court of Los Angeles County.

George G. Lomeli and James N. Bianco, Judges. Affirmed.

Christine Aros, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

We affirm a judgment after the trial court revoked Christopher Webb's probation and ordered execution of a suspended sentence.

FACTS

Convictions and Probation

On May 20, 2009, Webb waived his constitutional trial rights and pled no contest to one count of assault with intent to commit a felony, rape, and one count of misdemeanor sexual battery.¹ (Pen. Code, §§ 220, subd. (a), 243.4, subd. (e)(1).) The plea agreement contemplated a six-year sentence; the court set the cause for a June sentencing date.

On June 11, 2009, the trial court sentenced Webb to the upper term of six years in prison for the aggravated assault, and a concurrent six-month term for the battery. The court suspended execution of sentence and placed Webb on formal probation for five years on condition he serve 115 days in county jail, with credit for 115 days. The court ordered Webb to pay a then \$20 court security assessment (see Pen. Code, former § 1465.8, subd. (a)(1)); a \$30 criminal conviction assessment (Gov. Code, § 70373, subd. (a)); and a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)). The court ordered Webb to pay restitution to the victims in an amount determined by the probation officer. Further, the court ordered and stayed a \$200 probation revocation fine. (Pen. Code, § 1202.44.) The court also ordered Webb to register as a sex offender and pay a sex offender fine (Pen. Code, § 290.3) in the stated amount of \$200.²

¹ The offenses occurred on different days, against different victims. The probation officer's report shows that, in one incident, Webb approached the victim while she was at work at a local retail site; he began making vulgar references about her vagina, then touched her leg and started moving toward her vagina before she pulled away. In the second incident, Webb offered to drive a victim, but took her to a motel and sexually assaulted her. Under the plea agreement, three other counts involving the second victim were dismissed.

² The \$200 figure was offered by the prosecutor. Under Penal Code section 290.3, the actual amount of the sex offender fine should have been \$300.

The Probation Violation and Judgment

During the transitional hours of September 27 and 28, 2009, Webb encountered 17-year-old D.W. on Hollywood Boulevard and persuaded her to go with him to a “party” at a nearby club. When they got to the club, it was not yet open because it did not open until 2:00 a.m. At some point as they were walking along the street, Webb grabbed D.W. and pulled her behind some trucks in a parking lot behind the club. D.W.’s back was to one of the trucks, and Webb stood in front of her, blocking her exit. Webb then took his penis out of his pants, and told D.W. to “suck his dick.” When D.W. said no, Webb grabbed her by her head and pushed it down toward his penis. D.W. struggled to get away. Webb knocked her to the ground and said, “I’ll fuck you up.” He then grabbed D.W., pulled down her pants and underwear and forced his fingers into her vagina. The assault ended when D.W. was able to get a highlighter marker out of her purse and “stab” Webb near his eye, and then run away. Webb was subsequently arrested.

On October 19, 2009, the trial court held a combined preliminary hearing on Webb’s new case involving D.W., and a probation violation hearing in his earlier sex case described at the outset of this opinion. D.W. testified as the only witness. At the end of the hearing, the court held Webb to answer charges involving D.W., and found, based upon the same conduct, that Webb had violated the condition of probation in his earlier sex case that he obey all laws. The appeal before us today involves the probation violation matter connected with the earlier sex case.

On March 3, 2010, the trial court, the prosecutor, and defense counsel discussed execution of the previously suspended sentence of six years for aggravated assault, following which the court imposed that sentence, with custody credits totaling 269 days.³ The court ordered Webb to pay a now \$30 court security assessment (Pen. Code, § 1465.8, subd. (a)(1)), a \$30 criminal conviction assessment (Gov. Code, § 70373, subd. (a)), a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)), and ordered and stayed a

³ The reporter’s transcript from the March 2010 sentencing hearing discloses no mention of Webb’s misdemeanor battery conviction.

\$200 parole revocation fine (Pen. Code, § 1202.45). Further, the court ordered Webb to register as a sex offender and pay a \$300 sex offender fine (Pen. Code, § 290.3). The court granted credits for 234 actual days of custody and 35 conduct days.

DISCUSSION

On appeal, we appointed counsel, who filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, setting forth the facts of the case and requesting that we review the entire record on appeal for arguable issues. On December 28, 2011, we notified Webb by letter that he could submit any claims, arguments or issues which he wished our court to consider. Webb has not responded to our letter.

We have independently reviewed the record submitted on appeal, and are satisfied that Webb’s appointed counsel has fulfilled her duty, and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d 436; see also *People v. Kelly* (2006) 40 Cal.4th 106.)

DISPOSITION

The judgment is affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

FLIER, J.