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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

RONNIE CHRISTOPHER CHAVEZ,

Defendant and Appellant.

C069058

(Super. Ct. Nos. CM033524, CM032447)

On June 7, 2010, defendant Ronnie Chavez backed his wife “in the corner . . . and repeatedly punch[ed] [her] in the stomach,” leaving her “crunched over,” “upset,” and “hurt.” The jury found him guilty of violating Penal Code<sup>1</sup> section 273.5, which prohibits inflicting upon one’s spouse a “ ‘traumatic condition.’ ” (§ 273.5.) Defendant appeals, arguing that there is “no evidence” that any “traumatic condition” resulted from the June 7 beating. We disagree and affirm.

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<sup>1</sup> All further section references are to the Penal Code.

## FACTUAL AND PROCEDURAL BACKGROUND

Defendant married Krystal Lexner-Chavez in 1998. They separated in 2007, but they remained married and maintained frequent contact.

According to Krystal, defendant beat her three times in 2010. On May 10, defendant “grabbed [her] by the hair, hit [her] in the left side of [the] head and face and, broke [her] . . . tooth, and then repeatedly punch[ed] [her] in the stomach.” On June 7, he backed Krystal into a corner and “repeatedly punch[ed] [her] in the stomach.” Then, on June 8, defendant punched Krystal in the head and face and kicked her in the stomach and her side. Krystal’s account of the June 7 beating was corroborated by her friend Carrie Lystra who testified that defendant “had [Krystal] up against the closet door, and he was upper-cutting her in the stomach,” leaving Krystal “crunched over,” “upset,” and “hurt.” No third-party witness testified about the May 10 and June 8 beatings.

After the June 8 beating, Krystal went to the police. Butte County Deputy Sheriff Jason Dodd took her report. Deputy Dodd testified that Krystal was very upset and that it was “difficult to decipher what incidents occurred on what date, so [Deputy Dodd] was constantly having to go back and ask her specific questions for each date.” Deputy Dodd examined Krystal for injuries. Among other signs of physical trauma, he found a “very large bruise” on Krystal’s stomach. Deputy Dodd testified that he was not an expert on injuries. The “darkness” of the bruise indicated to him, however, that it had been “within a few days.”

Defendant was charged with three counts of violating section 273.5, which makes it a felony to “willfully inflict[] upon a person who is his . . . spouse . . . corporal injury resulting in a traumatic condition.” (Pen. Code, § 273.5, subd. (a).)

A jury found defendant guilty of violating section 273.5 on June 7, but not guilty of violating section 273.5 on May 10 and June 8. Defendant timely appealed.

## DISCUSSION

Defendant does not dispute that he willfully inflicted corporal injury on his spouse on June 7, 2010. Instead, he argues that the evidence was insufficient to establish that the bruise that Deputy Dodd witnessed on June 8 was caused by the June 7 beating. According to defendant, “[t]he stomach injury could have occurred from the incident on March [sic] 10, since Krystal testified that on that date [defendant] punched her in the stomach. The stomach injury could also have occurred on June 8 since Krystal testified that on that date [defendant] kicked her in the stomach and sides.” Because “none of the witnesses could ascribe the stomach injury [that Deputy Dodd witnessed on June 8] to a particular date,” defendant asserts, “there is no evidence that [Krystal] suffered a traumatic condition specifically on June 7.”

### I

#### *Standard Of Review*

The scope of our inquiry into the sufficiency of the evidence to support the jury’s verdict is limited. (See *People v. Johnson* (1980) 26 Cal.3d 557, 578.) We “must review the evidence in the light most favorable to the prosecution, and must presume every fact the jury could reasonably have deduced from the evidence.” (*People v. Boyer* (2006) 38 Cal.4th 412, 480.) While we “must determine that the supporting evidence is reasonable, inherently credible, and of solid value,” we do not weigh the evidence, nor do we substitute our judgment for that of the finder of fact. (*Ibid.*; *People v. Hillery* (1969) 62 Cal.2d 692, 702-703; *People v. Perez* (1992) 2 Cal.4th 1117, 1126.) It “ ‘is the jury, not the appellate court, which must be convinced of the defendant’s guilt beyond a reasonable doubt.’ ” (*People v. Abilez* (2007) 41 Cal.4th 472, 504.) We ask only whether “ ‘any rational trier of fact’ ” could have inferred the defendant’s guilt from the direct and circumstantial evidence that was presented at trial. (*Perez*, at pp. 1124, 1127.) The jury’s inferences need not be the only ones that the evidence could support. (*Hillery*, at pp. 702-703.) “ ‘Before the judgment of the trial court can be set aside for

insufficiency of the evidence to support the verdict of the jury, it must clearly appear that upon no hypothesis whatever is there sufficient substantial evidence to support it.’ ”  
(*People v. Blakeslee* (1969) 2 Cal.App.3d 831, 837.)

## II

### *Sufficiency Of The Evidence*

Defendant argues that the evidence was insufficient to support the jury’s finding that he caused Krystal to sustain a “traumatic condition” on June 7, rather than on May 10 or June 8. This argument is flawed because it ignores the jury’s express finding that defendant was *not guilty* of causing a “traumatic condition” on either of the latter two dates. Defendant was found guilty of violating section 273.5 only on June 7. Having heard all of the evidence, the jury concluded that the May 10 and June 8 charges had not been proved.

The record supports the distinction that the jury drew between the May 10 and June 8 charges, on the one hand, and the June 7 charge, on the other hand. Krystal’s allegations about the June 8 and May 10 beatings were uncorroborated by any third-party witness. The jury reasonably could have concluded that Krystal’s testimony was not sufficient by itself to establish guilt beyond a reasonable doubt. The June 7 beating, in contrast, was described to the jury by a third-party witness, Carrie Lystra. She told the jury that she saw defendant “upper-cutting” his wife Krystal in the stomach. The jury also heard testimony from Deputy Dodd, who found a “very large bruise” on Krystal’s stomach the day after defendant’s attack. It was Deputy Dodd’s opinion that the bruise looked like it had been made “within a few days” of his examination. A bruise is a “traumatic condition.” (*People v. Beasley* (2003) 105 Cal.App.4th 1078, 1085-1086.) Based on this evidence, a rational trier of fact could have concluded that defendant “willfully inflict[ed] upon a person who is his . . . spouse . . . corporal injury resulting in a traumatic condition” on June 7. (§ 273.5, subd. (a).)

Defendant's challenges to the testimony of Lystra and Deputy Dodd miss the mark. It is true that Deputy Dodd was not a bruise expert. But he did not have to be. His testimony about the bruise was rationally based upon his own perception -- it does not take "special knowledge, skill, experience, training, or education" to tell the difference between a bruise that has been made "within a few days," and a bruise that is almost a month old. (See Evid. Code, § 720.) The jury reasonably could have accepted Deputy Dodd's conclusion that the bruising was fresh, especially given Krystal's and Lystra's testimony about the severity of the June 7 beating.

It also is true that Lystra did not testify that she saw any "traumatic condition" on Krystal's stomach on June 7. The jury had to infer that defendant's punches on June 7 caused the bruise that Deputy Dodd saw the next day. This inference was reasonable, however, and reasonable inferences are sufficient to support a finding of guilt beyond a reasonable doubt. (*People v. Hillery, supra*, 62 Cal.2d at p. 702; *People v. Perez, supra*, 2 Cal.4th at pp. 1124, 1127.)

Defendant's appeal is not aided by the authorities on which he relies. In *People v. Beasley, supra*, 105 Cal.App.4th at page 1085, the victim testified "that she sustained large bruises on her arms, legs, and back" as a result of the defendant "striking her with the blind rod" on three separate occasions during the summer of 1999. (*Ibid.*) When "[t]he prosecutor . . . asked how many times during the summer of 1999 [the victim] had bruises from being beaten with the blind rod," she "responded, 'I had some bruises that was still healing, and I wouldn't know.'" (*Ibid.*) No third-party witness testified about any of the three beatings. (*Id.* at p. 1086.) The victim did not seek medical attention, she did not call the police, and she did not tell anyone about the beatings or any resulting bruises. (*Id.* at p. 1085.) The jury found that each alleged beating constituted a section 273.5 violation. (*Beasley*, at pp. 1084-1085.) On appeal, the court affirmed one guilty verdict. (*Id.* at p. 1084.) It reversed the other two, however, because there was no

evidence that the other two beatings caused the victim to sustain additional “traumatic conditions.” (*Ibid.* )

There are superficial similarities between *Beasley* and this case. Like in *Beasley*, the defendant here was charged with three section 273.5 violations. (*People v. Beasley, supra*, 105 Cal.App.4th at p. 1085.) In both cases, the defendant ultimately was convicted of one. (*Ibid.*) In this case, however, the evidence that supports the verdict against defendant is stronger than the evidence that supported the verdict that *Beasley* affirmed. Unlike in *Beasley*, the beating that led to defendant’s conviction here was described to the jury by a third-party witness. Unlike the victim in *Beasley*, Krystal went to the police after the third beating. And unlike the bruises in *Beasley*, the “traumatic condition” here was seen and described to the jury by a deputy sheriff.

*People v. Blakeslee, supra*, 2 Cal.App.3d at page 831 also is not on point. *Blakeslee* found that there was insufficient evidence to support the defendant’s murder conviction where the court found that it could make “an almost equally plausible” case against the defendant’s brother. (*Id.* at p. 840.) Here, in contrast, a reasonable jury could find that the evidence that supported the June 7 charge was more plausible than that which supported the May 10 and June 8 charges. The June 7 charge was corroborated by third-party testimony. The May 10 and June 8 charges were not.

The facts in *People v. Abrego* (1993) 21 Cal.App.4th 133 are the opposite of those here. In *Abrego*, the court reduced a section 273.5 conviction to battery where the victim “testified she had not been injured or bruised” and that “she had not felt any pain from the [defendant’s] blows,” and the officer who investigated the incident “did not observe any injuries.” (*Abrego*, at pp. 135, 138.) Here, in contrast, both Krystal and Lystra testified that defendant’s attack injured Krystal, and Deputy Dodd witnessed a “very large bruise” on Krystal’s stomach.

*People v. Jackson* (2000) 77 Cal.App.4th 574 and *Mikes v. Borg* (9th Cir. 1991) 947 F.2d 353 do not address any issue that is raised by this appeal. *Jackson* interpreted

section 273.5's "willfully inflict" element to require "a direct application of force by the defendant upon the victim." (*Jackson*, at pp. 576-578.) Nothing in *Jackson* assists with our analysis of section 273.5's "traumatic condition" element. In any event, *Jackson*'s test is satisfied in this case -- "upper-cutting" one's wife in the stomach constitutes "a direct application of force." In *Mikes*, the court reversed a murder conviction where there was a "total failure of proof" that the defendant was the perpetrator. (*Mikes v. Borg*, *supra*, 947 F.2d at pp. 353, 359.) Here, there is no question about the identity of Krystal's assailant. The only issue before us is whether defendant's punches caused Krystal to sustain a "traumatic condition" on June 7. As explained above, we conclude that the jury was entitled to find that they did.

#### DISPOSITION

The judgment is affirmed.

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ROBIE \_\_\_\_\_, J.

We concur:

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NICHOLSON \_\_\_\_\_, Acting P. J.

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HOCH \_\_\_\_\_, J.