

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Siskiyou)

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
BRIAN LEE WILSON,  
  
Defendant and Appellant.

C070014  
  
(Super. Ct. No.  
MCYKCRTR111759)

In November 2011, defendant attempted to pass a diesel truck on State Route 89 in Siskiyou County. He lost control of his vehicle and collided into two other cars. Law enforcement officers responded to the scene of the accident and completed a preliminary alcohol screening test, which registered defendant's blood-alcohol content at .098 percent and .087 percent.

As a result of the collision, Michelle D., driver of the second vehicle, suffered a broken jaw, broken facial bones, broken ribs, and a broken foot and ankle. Michael D., the driver of the third car, injured his forehead and forearm.

Defendant's passenger, Lucee S., also suffered a broken foot, a broken knee, and fractures in both of her hands.

Defendant was subsequently arrested and charged with driving under the influence of drugs or alcohol, which proximately caused bodily injury to another and driving with a blood-alcohol content of or exceeding .08 percent, which proximately caused bodily injury to another. Appended to both counts was a further allegation that defendant was previously convicted of driving under the influence of drugs or alcohol, and that his criminal conduct here resulted in great bodily injury to three other people.

Defendant pled guilty to driving under the influence, which caused bodily injury to another person. Defendant admitted causing great bodily injury to another and he admitted that multiple people were injured as a result of his criminal conduct. In exchange for his plea, the People agreed to a sentencing bid of five years and four months in state prison, leaving open the possibility of probation.

After hearing from the victims, the trial court rejected the probation department's recommendation of probation and sentenced defendant to five years and four months in state prison. Defendant was ordered to pay various fines and fees and was awarded 54 days of custody credit pursuant to Penal Code section 2933.1 (47 actual days and 7 conduct). Defendant appeals without a certificate of probable cause.

Counsel filed an opening brief that sets forth the facts of the case and asked this court to review the record and determine

whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed and we have received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

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ROBIE, J.

We concur:

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BLEASE, Acting P. J.

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MAURO, J.