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

THE PEOPLE,

Plaintiff and Respondent,

v.

DONALD RAY HOLMES, JR.,

Defendant and Appellant.

C071447

(Super. Ct. No. 12F2920)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required by *Wende*, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

On May 2, 2012, at about 3:54 a.m., Redding police responded to reports of three or four homeless people trying to get into the Redding Inn. Officers saw defendant Donald Ray Holmes, Jr., standing on the upper tier of the building with his pants around

his ankles. Defendant eventually came downstairs, breaking a window in one room and swinging his pants towards the police. Defendant was taken into custody and transported to jail, where he feigned unconsciousness and was taken to a hospital for medical clearance. At the hospital, defendant bit the head nurse's finger as she tried to draw blood from him. He did not let go until officers struck him several times. The nurse sustained deep lacerations and a possible broken left index finger, and an officer sustained a possible broken pinky finger and injured his right shoulder in the struggle.

Defendant pleaded no contest to assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4))¹ and admitted strike (§ 1170.12) and great bodily injury (§ 12022.7, subd. (a)) allegations. The trial court sentenced defendant to a stipulated term of nine years in state prison, imposed various fines and fees, and awarded 73 days of presentence credit, consisting of 63 days of actual credit and 10 days of conduct credit (§§ 2933.1, 667.5, subd. (c)(8)). Jurisdiction was reserved on the issue of restitution.

Defendant appeals. His request for a certificate of probable cause was denied.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 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.

¹ Undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

_____ BUTZ _____, J.

We concur:

_____ HULL _____, Acting P. J.

_____ HOCH _____, J.