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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSICA WATKINS,

Defendant and Appellant.

C071571

(Super. Ct. No. NCR82212)

Appointed counsel for defendant Jessica Watkins asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

On July 20, 2011, in the afternoon, a man was stabbed in the stomach and back while he was in the parking lot at a McDonald's in Red Bluff, California. The victim described his attackers as four men, one of whom carried a butcher's knife about eight

inches long. He described an “encounter” with one of the men a few days earlier, an encounter that occurred because the victim’s friend was wearing a blue shirt.

Witnesses described seeing four men (including codefendant David Harris) attack the victim. The witnesses also saw the four men run to a waiting car, which then sped away with the four men inside.

Law enforcement soon found the car used to move the men from the scene of the attack. The car was parked in front of defendant’s home; the defendant was inside along with another woman. Defendant told law enforcement the car was borrowed from a friend of David Harris’s. She also admitted to spending the morning with Harris and two other young men (all were juveniles) and driving them around in the borrowed car, though defendant claimed not to know the boys well.

Defendant indicated that approximately 20 minutes before the victim was assaulted, she drove by the victim. Harris said, “Man, look at those fools.” He then instructed defendant to pick up an individual named “Droopy” because, “We’re gonna to go get this scrap right here We’re gonna stick this fool.” (According to the probation report, “scrap is a known derogatory term Norteño gangsters use against rival Sureños.” Defendant thus drove to Droopy’s house; Droopy got in the car and Harris told defendant to drive back to the McDonalds.

Defendant knew Harris and the others were going to McDonald’s to “start problems,” but she drove them there nonetheless. On the way to McDonald’s Harris asked the others in the car if any of them had knives, one of them did though defendant did not know which one.

Once they arrived at the McDonalds, defendant was told to park and wait for Harris and the others. Defendant saw Harris chase the victim and “stick” him. She then saw the victim fall to the ground. Harris and the others ran back to the car, got in, and she “sped away.” As they fled the scene, Harris told everyone to “throw out their

knives.” Defendant was soon told to stop, she did, and the males “went their own way.” Defendant then drove home.

Defendant was subsequently arrested and charged with attempted murder (Pen. Code, §§ 664 & 187, subd. (a); undesignated section references that follow are to the Penal Code), assault by means likely to produce great bodily injury (§ 245, subd. (a)(1)), street terrorism (§ 186.22, subd. (a)), and accessory after the fact (§ 32). It was further alleged that defendant committed the crimes of assault and attempted murder for the benefit of a street gang. (§ 186.22, subds. (b)(5) & (b)(1)(A).)

After the court found defendant competent, defendant pleaded guilty to the charges of assault, street terrorism, and accessory after the fact. She also admitted to committing the crimes for the benefit of a street gang. Defendant stipulated to a prison term of nine years four months and a 90-day diagnostic study at the California Department of Corrections and Rehabilitation.

Following the 90-day diagnostic study, the trial court sentenced defendant in accordance with her plea. The trial court ordered defendant to pay various fines and fees and awarded her 401 days of custody credit (349 actual and 52 conduct), which was later amended to 523 days of custody credit (349 actual and 174 conduct). Defendant appeals without a certificate of probable cause.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking 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 the opening brief. More than 30 days elapsed and we 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.

HULL, Acting P. J.

We concur:

ROBIE, J.

HOCH, J.