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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY ADAM REASONS,

Defendant and Appellant.

C071605

(Super. Ct. No. CRF12108)

Defendant Gregory Adam Reasons pleaded no contest to inflicting corporal injury on a cohabitant with a prior conviction (Pen. Code, § 273.5, subd. (e); undesignated statutory references that follow are to the Penal Code). He was sentenced to the lid of four years in state prison. Defendant's ensuing appeal is subject to the principles of *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *People v. Kelly* (2006) 40 Cal.4th 106, 110. In accordance with the latter, we will provide a summary of the offense and the proceedings in the trial court.

BACKGROUND

In March 2012, defendant and his girlfriend of one month (Taylor) got into an argument. Taylor, a girlfriend of hers, and defendant had been drinking. Taylor got sick and passed out. When she awoke, she found defendant and her friend engaging in sexual intercourse. An argument ensued in which Taylor packed defendant's personal belongings and threw them out of her apartment. Defendant became upset and grabbed Taylor by the hair, threw her against the door and couch, and choked her until she lost consciousness. When she regained consciousness, defendant was grabbing her hair. He shook her and told her if she told anybody he would kill her. Defendant admitted an argument erupted after he was found having sexual intercourse with Taylor's friend, but denied physically assaulting Taylor.

Defendant was charged by complaint with making criminal threats (§ 422), battery causing serious bodily injury (§ 243, subd. (d)), battery on a cohabitant (§ 243, subd. (e)(1)), and inflicting corporal injury on a cohabitant with a prior conviction (§ 273.5, subd. (e)(1)). Defendant pleaded no contest to inflicting corporal injury on a cohabitant with a prior conviction pursuant to *People v. West* (1970) 3 Cal.3d 595. The original plea agreement contained a no state prison term condition. Defendant subsequently agreed to lift the no state prison condition of the plea and the parties agreed to a sentencing cap of the midterm of four years.

The trial court denied defendant's request for probation and sentenced him to four years in state prison. He was awarded 72 days of custody credits. He was ordered to pay a \$960 restitution fund fine (§ 1202.4, subd. (b)), a \$40 court security fee (§ 1465.8), and a \$30 criminal conviction assessment (Gov. Code, § 70373). Defendant's request for a certificate of probable cause was denied.

DISCUSSION

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 other arguable errors that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____ HULL _____, Acting P. J.

We concur:

_____ ROBIE _____, J.

_____ DUARTE _____, J.