

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

----

THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
DAVID PURCELL EGGMAN,  
  
Defendant and Appellant.

C073204  
  
(Super. Ct. No. CRF123628)

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.)

**PROCEDURAL AND FACTUAL BACKGROUND**

Following the victim’s testimony at jury trial, defendant David Purcell Eggman pleaded no contest to infliction of corporal injury upon a former cohabitant. (Pen. Code,

§ 273.5, subd. (a).)<sup>1</sup> He admitted allegations of a prior domestic violence conviction (§ 273.5, subd. (e)(1)), a prior strike conviction (§§ 667, 1170.12), and a prior prison term (§ 667.5, subd (b)).

Defendant was sentenced to prison for a stipulated term of 11 years, awarded 142 days' custody credit and 142 days' conduct credit, and ordered to pay a \$240 restitution fine (§ 1202.4), a \$240 restitution fine suspended unless parole is revoked (§ 1202.45), a \$40 court operations fee (§ 1465.8, subd. (a)(1)), and a \$30 court facilities assessment (Gov. Code, § 70373).

Defendant had been engaged to, and had resided with, the victim for several years before they separated in February 2012 following an altercation. In May 2012, they reunited and spent at least three nights at the residence of defendant's aunt. The following morning, the victim decided that she wanted to go home. When she informed defendant that she was "going to go," he grabbed her overnight bag and pulled her down to the ground. The duo wrestled and he took away from her a small knife that she carried in her pocket.

Defendant's aunt appeared at the door and warned that she would call the police. The victim broke away from defendant's grip and got to her feet. Then she felt a blow to her face by her right eye and a blow to her ribs below her right breast. She grabbed defendant's ponytail, pulled him to the ground, stomped on his face, and ran out the door toward her car. Along the way she fell on her knee and sustained an injury that required surgery.

Defendant fled from the house after his aunt telephoned the police. He picked up the injured victim, placed her in her car, and they drove away together. They checked into a hotel where they remained for two nights. Then they drove to a friend's residence

---

<sup>1</sup> Undesignated statutory references are to the Penal Code.

where they pitched a tent and stayed a third night. During the night, the victim tried to walk away but she fell down because of the knee injury. Defendant arrived and carried her back to the tent where they remained until morning. He folded up the tent and put it in her car. Then she drove away.

**WENDE REVIEW**

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 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.

\_\_\_\_\_ MURRAY \_\_\_\_\_, J.

We concur:

\_\_\_\_\_ HULL \_\_\_\_\_, Acting P. J.

\_\_\_\_\_ MAURO \_\_\_\_\_, J.