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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

ANDREW WESLEY LITTLE,

Defendant and Appellant.

C075883

(Super. Ct. No. CM038519)

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.)

**FACTUAL AND PROCEDURAL HISTORY**

On April 20, 2013, defendant Andrew Wesley Little approached his live-in girlfriend in a park, pushed her off her bicycle, and punched and slapped her while she was on the ground. When he started to strangle her, unknown bystanders intervened,

pulling him off the victim. The victim suffered cuts on her hands, red marks on her neck, and bruising behind her ear and on her arm.

Defendant entered a negotiated no contest plea to corporal injury to a cohabitant (Pen. Code, § 273.5, subd. (a); count 1) and assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4); count 2) in exchange for no state prison at the outset. The court granted probation subject to certain terms and conditions including abstention from alcohol.

Defendant admitted that he violated probation by testing positive for alcohol. He was reinstated on probation subject to a residential substance abuse treatment program to which he was transported upon his release from jail.

Thereafter, defendant admitted that he violated probation by failing to complete the treatment program. The court revoked probation.

The court declined to reinstate probation and sentenced defendant to state prison for the upper term of four years on count 1. The court stayed sentence on count 2 pursuant to Penal Code section 654.

### **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:

RAYE, P. J.

HULL, J.