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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER HOUGLAND,

Defendant and Appellant.

C077242

(Super. Ct. No. NCR87269)

This appeal comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

An amended information charged defendant Christopher Hougland with the murder of Samuel Forseth (Pen. Code, § 187, subd. (a))¹ and alleged that defendant personally used a deadly weapon, a knife, in the commission of the offense (§ 12022,

¹ Undesignated statutory references are to the Penal Code in effect at the time of the charged offenses.

subd. (b)(1)). A jury convicted defendant of first degree murder and found the allegation of personal use of a deadly weapon true.

The trial court denied defendant's motion to modify the verdict to a lesser degree of murder. The court sentenced defendant to an aggregate state prison term of 26 years to life (25 years to life for first degree murder, plus one year consecutive for the deadly weapon allegation). The court awarded defendant 420 days of presentence custody credit (420 actual days and no conduct days). The court ordered a \$400 restitution fine (§ 1202.4, subd. (b)) and a suspended parole revocation restitution fine in the same amount (§ 1202.45), a \$30 criminal conviction fee (Gov. Code, § 70373), and a \$40 court operations fee (§ 1465.8). The court ordered \$1,813.25 as victim restitution for the victim's documented funeral expenses and reserved jurisdiction to order further restitution in an amount to be determined. (§ 1202.4, subd. (f).)

The evidence at trial showed that in the early morning of June 27, 2013, defendant fatally stabbed the victim multiple times, beginning in defendant's home and continuing outside onto the street as the victim tried to escape and call for help. Defendant then asked a witness to call 911, claiming he was there to help the victim. When first responders arrived, defendant appeared to be calmly attempting first aid; he said he had served as a medic in Afghanistan. Defendant had three small lacerations on his person. He said he was in shock because he had just killed his best friend. He claimed he had tried to stop the victim from killing himself, but the victim had turned on him and stabbed him, forcing defendant to defend himself. However, the police observed that although defendant had a great deal of blood on his arms and face, there was no blood around his eyes, and he had a pair of sunglasses on top of his head. A forensic pathologist testified that the victim suffered numerous injuries, including defensive wounds on his hands, four deep stab wounds in his chest, and two separate neck wounds which cut the victim's larynx, epiglottis, esophagus, tongue, thyroid gland, carotid artery, and jugular vein; if all of these wounds to his neck had been inflicted while the victim was still in defendant's

house, the victim would not have been able to make it across the street or call out for help.

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:

NICHOLSON, Acting P. J.

HOCH, J.