

NOT TO BE PUBLISHED

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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.

VARN CHIEM SAECHAO,

Defendant and Appellant.

C077336

(Super. Ct. No. CM034767)

Appointed counsel for defendant Varn Chiem Saechao has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.)<sup>1</sup> Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

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<sup>1</sup> 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.

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.)

On July 10, 2011, defendant stabbed his wife in the face with a screwdriver while she was sleeping, punched her and told her he was going to poke her eyes out, and then shot her with a shotgun as she fled. Defendant's grandson witnessed the attack. Defendant's wife told police that defendant had been threatening to kill her for a long time. Defendant's daughter told police that her mother had met another man and was planning on leaving defendant. Responding officers saw that defendant's wife was covered in blood and bleeding from her nose, face, arm, and upper and lower back. She was also coughing up blood. At the hospital, it was determined that she had a collapsed lung.

Defendant pleaded no contest to assault with a deadly weapon (a screwdriver) and spousal abuse. (Pen. Code, §§ 245, subd. (a)(1), 273.5, subd. (a).)<sup>2</sup> He also admitted, in connection with the spousal abuse, that he personally inflicted great bodily injury and personally used a firearm. (§§ 12022.7, subd. (e), 12022.5, subd. (a).) In exchange for his plea, charges for attempted murder and child endangerment, and additional enhancements, were dismissed.

On August 21, 2014, defendant was sentenced to 20 years in state prison, comprised as follows: the upper term of four years for spousal abuse; a consecutive one year (one-third the midterm) for assault with a deadly weapon; a consecutive 10 years for the arming enhancement; and a consecutive five years for the great bodily injury enhancement. Defendant was also ordered to pay a \$240 restitution fine and was awarded a total of 1,309 days of presentence custody credit.

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<sup>2</sup> Undesignated statutory references are to the Penal Code.

Defendant appeals. His request for a certificate of probable cause was denied.  
(§ 1237.5.)

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.

NICHOLSON, Acting P. J.

We concur:

MAURO, J.

RENNER, J.