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

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THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL LEE KNIGHT,

Defendant and Appellant.

C080115

(Super. Ct. No. 14F3244)

Appointed counsel for defendant Michael Lee Knight asked this court to review the record to determine whether there are any arguable issue on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). After reviewing the entire record, we order a correction to the abstract of judgment to reflect the trial court’s order for victim restitution. 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.)

An information filed October 20, 2014, charged defendant with one count of elder abuse (Pen. Code, § 368, subd. (b)(1)) and alleged a prior strike (§§ 667, subds. (b)-(i); 1170.12).<sup>1</sup>

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

On May 13, 2015, after jury trial had begun, defendant withdrew his not-guilty plea and entered a plea of no contest to elder abuse, in return for the dismissal of the strike allegation in the interest of justice, the dismissal of another charge against defendant in a different case, and a guaranteed state prison sentence of four years (the upper term). The trial court found there was a factual basis for the plea, but did not include any facts for that basis on the record.

The preliminary hearing transcript showed the following evidence in support of the plea:

On the evening of May 12, 2014, a law enforcement officer was dispatched to a residence in Shasta County to investigate a reported assault. He met with Jackie Knight, the 78-year-old alleged victim, and Angel Knight, defendant's daughter. According to them, defendant woke the sleeping victim, screaming and hitting her in the face. Angel intervened to stop the beating, then called the police. An ambulance took the victim to the hospital, complaining of a headache and confusion.

Defendant was found in the garage of the residence on August 5, 2014 and arrested.

On June 12, 2015, defendant made a *Marsden*<sup>2</sup> motion, but withdrew it.

On July 17, 2015, the trial court sentenced defendant to serve the agreed-upon four-year state prison sentence. The court awarded defendant 341 days of presentence custody credit (171 actual days and 170 conduct days). The court imposed a \$300 restitution fine (§ 1202.4, subd. (b)), a \$300 suspended parole revocation restitution fine (§ 1202.45), a \$40 court security fee (§ 1465.8), and a \$30 criminal conviction assessment (Gov. Code, § 30373). The court also ordered victim restitution in an amount to be determined.

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<sup>2</sup> *People v. Marsden* (1970) 2 Cal.3d 118.

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.

Our review of the record discloses an omission from the abstract of judgment. At sentencing, the trial court reserved jurisdiction to award victim restitution. We order the trial court to correct the abstract of judgment to reflect this order.

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. The trial court is directed to prepare a corrected abstract of judgment to show the trial court reserved jurisdiction to award victim restitution. The court is directed to forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

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/s/  
HOCH, J.

We concur:

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/s/  
MAURO, Acting P. J.

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/s/  
MURRAY, J.