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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES D. JENKINS, JR.,

Defendant and Appellant.

E054161

(Super.Ct.No. SWF10002150)

OPINION

APPEAL from the Superior Court of Riverside County. Jerry E. Johnson, Judge.
(Retired judge of the L.A. Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6
of the Cal. Const.) Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant Charles D. Jenkins, Jr., guilty of making criminal threats (Pen. Code, § 422, count 1);¹ kidnapping (§ 207, subd. (a), count 2); corporal injury to a cohabitant (§ 273.5, subd. (a), count 3); false imprisonment (§ 237, subd. (a), count 4); and giving false information to a police officer (§ 148.9, subd. (a), count 5). In a bifurcated proceeding, the trial court found true that defendant had suffered one prior prison term (§ 667.5, subd. (b)), one serious prior felony conviction (§ 667, subd. (a)), and one prior strike conviction (§§ 667, subds. (c), (e)(1), 1170.12, subd. (c)(1)).

After the trial court denied defendant's motion to strike his prior strike conviction, it sentenced defendant to a total term of 11 years in state prison with credit for time served. The trial court also imposed various fines and fees, including \$414.45 in booking fees with defendant's ability to pay determined by the Department of Corrections and Rehabilitation based on the amount of money earned by defendant. Defendant appeals from the judgment. We find no error and will affirm the judgment.

FACTUAL BACKGROUND

In October 2010, the victim was involved in a romantic relationship with defendant, and was about two and one-half months pregnant at the time. The two were living together with defendant's sister in a studio apartment in Hemet. On the morning of October 13, the victim and defendant got into an argument over the victim moving out of

¹ All future statutory references are to the Penal Code unless otherwise stated.

the apartment. Defendant became upset, telling the victim that she was not going to leave or take anything out of the apartment.

The victim attempted to leave with her four-year-old daughter; however, defendant prevented them from getting their shoes. They eventually left the apartment without their shoes, but defendant's sister threw their shoes out the door. Defendant quickly grabbed the shoes and threw them back inside the apartment. He also told his sister to stay out of his business. The victim continued to walk to the gate to get out while holding her daughter, but defendant forcibly grabbed the victim by the neck and arm and dragged her back inside the apartment. Defendant's sister left the apartment once defendant got the victim inside.

Defendant told the victim to put her daughter down, but she refused. The victim's daughter was scared and crying. Defendant then choked the victim and forcibly grabbed her daughter and placed her down. Defendant then dragged the victim into the bathroom, closed and locked the door, slapped her on both sides of the face, and prevented her from leaving. Once the victim put her hands down from her face, defendant socked her in the face with a closed fist. Defendant then said, "You still want to have an abortion," and punched the victim in the stomach. The victim was in pain, scared, and feared for her life.

Eventually, defendant's niece knocked on the bathroom door to tell them someone was at the front door. Defendant told the victim to get up, wipe her face, and stop crying. When the victim came out of the bathroom, she told defendant's sister that her stomach

hurt. Defendant's sister told her to call the paramedics. Defendant dialed 911, gave the victim the phone, and told her not to ask for the police.

The paramedics came and took the victim to the hospital. After the victim informed a nurse about the incident, police officers came and interviewed the victim at the hospital. Riverside County Sheriff's Deputy Chapa noted that the victim's face was red and swollen. He also saw a bump under the victim's right eye, a scratch on her neck, and bruising on both arms.

When Deputy Chapa went to defendant's apartment, defendant answered and identified himself as "Deovonne Jones." The deputy asked defendant for identification, but defendant stated he did not have any. Defendant also became aggressive with the deputy. Defendant was eventually handcuffed and arrested.

Following the incident, the victim was threatened with harm by defendant's sister, mother, and friends. Defendant also threatened to kill the victim.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts, potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

KING
J.