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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.

YOLANDA NERI,

Defendant and Appellant.

E054794

(Super.Ct.No. BAF1100021)

OPINION

APPEAL from the Superior Court of Riverside County. Larrie R. Brainard, Judge.  
(Retired judge of the San Diego Super. Ct. assigned by the Chief Justice pursuant to  
art. VI, § 6 of the Cal. Const.) Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant Yolanda Neri guilty of assault with a deadly weapon, to wit, a knife. (Pen. Code, § 245, subd. (a)(1).)<sup>1</sup> The jury also found true that in the commission of the offense defendant personally inflicted great bodily injury upon the victim. (§ 12022.7, subd. (a).) In a bifurcated proceeding, defendant subsequently admitted that she had sustained four prior prison terms (§ 667.5, subd. (b)), one prior serious felony conviction (§ 667, subd. (a)), and one prior serious and violent felony strike conviction (§§ 667, subds. (c), (e)(1), 1170.12, subd. (c)(1)).

Defendant was sentenced to a total term of 17 years in state prison with credit for time served as follows: the middle term of three years, doubled to six years due to the prior strike allegation, for the aggravated assault charge; three years for the great bodily injury enhancement; five years for the prior serious felony conviction; and one year each for three of the four prior prison term allegations.<sup>2</sup> Defendant appeals from the judgment. We find no error and affirm the judgment.

#### FACTUAL BACKGROUND

On January 7, 2011, around midnight, the victim went to a Walmart store in Beaumont with her son, his girlfriend, and two friends. The victim's son and his girlfriend went inside the store to shop, while the others waited outside in their vehicle.

The victim saw defendant and a man (Toms), whom she believed she knew, walk out of the store and toward her vehicle. When the man was about five to six feet away

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<sup>1</sup> All future statutory references are to the Penal Code unless otherwise stated.

<sup>2</sup> The trial court struck one of the four prior prison term allegations.

from the vehicle's window, the victim asked Toms if he knew her. Defendant began arguing with Toms, and asked him, "Who's that bitch?" The victim got out of the vehicle to explain that she did not know Toms romantically. Defendant then immediately began swinging her arms at the victim, as the victim raised her arms to block the punches. Toms told defendant to come with him, and they left.

One of the victim's friends thereafter jumped out of the vehicle, picked her up from the ground, and put her in the car. The victim had been stabbed in her knee and arm. The victim did not see a knife, and only realized she had been stabbed after being told by her friend.

Beaumont Police Officers Steward and Lynn responded to the scene after receiving a call in regard to a stabbing in the Walmart parking lot. Officer Steward noted that the victim was lying in the front passenger seat crying and bleeding, and that she had an open wound on her knee and an injury to her left forearm. The victim was transported to a hospital where she received 15 staples on her knee and seven stitches on her arm.

A video surveillance of the Walmart parking lot captured the incident and showed the suspects leaving in a white Ford Explorer.<sup>3</sup> Upon viewing the video, the investigating officer could not determine whether or not defendant had anything in her hands or whether or not defendant stabbed the victim.

Later that day, around 1:00 p.m., Beaumont Police Officer Bobo conducted a traffic stop of a white Ford Explorer. The driver of the vehicle gave the officer an

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<sup>3</sup> The video surveillance was played for the jury at the time of trial.

address in Banning where he could find the suspects. Upon arriving at the address, the investigating officer saw defendant kneeling down next to a couch with a black purse and a silver pocket knife near her. A search of the residence revealed bottles of peroxide and two additional pocket knives. Defendant was taken into custody. The following day, the victim was shown a photographic lineup and identified defendant as the person who attacked her in the Walmart parking lot.

At trial, a witness testified that she had driven defendant and others to Walmart in her white Ford Explorer on January 7, 2011, around midnight. Defendant was in the vehicle when the witness returned from shopping. The witness noticed that defendant was agitated. While driving to her home, the witness heard defendant yelling at Toms that he was wiping that bitch's blood on him. The witness also saw Toms lick blood from his hands. The witness informed the investigating officer that she saw Toms take a knife from defendant when they were in the vehicle leaving Walmart.

#### DISCUSSION

Defendant appealed and, upon her request, this court appointed counsel to represent her. 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 and 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 she 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.