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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.

TROY BRUNSON,

Defendant and Appellant.

E056851

(Super.Ct.No. FVI1200476)

OPINION

APPEAL from the Superior Court of San Bernardino County. Eric M. Nakata, Judge. Affirmed.

David R. Greifinger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Troy Brunson was charged with assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1), count 1)¹, and vandalism causing over \$400 in damage (§ 594, subd. (b)(1), count 2). It was also alleged that defendant had served one prior prison term. (§ 667.5, subd. (b).) Pursuant to a plea agreement, defendant pled no contest to count 1. The court dismissed the remaining count and allegation upon the People's motion. The court granted defendant probation for a period of three years. He subsequently admitted to violating his probation by failing to report to the probation officer upon release from custody as directed. The court terminated probation and sentenced him to the midterm of three years in state prison. The court gave him 120 days of presentence custody credits, which included 100 actual days and 20 days of conduct credit.

Defendant filed a timely notice of appeal, based on the sentence or other matters occurring after the plea. The court subsequently corrected the conduct credits to award 100 days instead of 20 days of conduct credit. We affirm.

FACTUAL BACKGROUND

Defendant engaged in an altercation with the victim in front of defendant's girlfriend's home. Defendant bit the victim on his back and swung a piece of broken glass, in an attempt to cut him. Defendant broke three windows on his girlfriend's home and two windows on the victim's car.

¹ All further statutory references will be to the Penal Code, unless otherwise noted.

ANALYSIS

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 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case and no potential arguable issues. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has done. He submitted three handwritten briefs, in which he contends that: (1) he did not receive a copy of the probation officer's report 30 days prior to the hearing, in violation of his due process rights; (2) the court revoked his probation "on a technical violation . . . under the understanding that it [should not have] been granted in the first place"; (3) he received ineffective assistance of counsel during the initial sentencing hearing and during the probation violation hearing; (4) contrary to his appellate counsel's statement in the *Wende* brief, all of his issues "occurred before final sentencing, and therefore does [*sic*] affect its validity"; (5) defendant never admitted to failing to report to his probation officer; furthermore, he did report on April 30 and was told that he "[was not] in the computer and therefore not on probation"; thus, the probation officer lied in her report when she said he never reported to her; (6) on July 25, 2012, the court stated that it had considered the probation officer's report; thus, the court relied on false information since the probation officer lied in her report; (7) the probation officer falsely stated that defendant had a prior robbery conviction on April 5, 2011, and the court relied on such false information in finding him ineligible for probation; (8) the probation officer

stated that the prosecution pled that he was eligible for imprisonment in the state prison pursuant to section 1170, subdivision (h)(3), but that allegation was based on a nonexistent robbery conviction; (9) he was not advised of his constitutional right to file an appeal within 10 days of his sentence being imposed; (10) on April 26, 2012, the prosecutor entered into a contract with him that if he pled guilty to assault with a deadly weapon, he would receive probation and be released that day; however, he was not released until two days later, due to a parole hold; (11) he was treated “much more harshly” because of his race, and this treatment constituted cruel and unusual punishment; (12) he was denied his constitutional right to defend himself, since he was denied access to the jail’s legal library and did not receive a copy of his probation violation allegations until five minutes before the court addressed the issue; (13) defendant asked Appellate Defenders, Inc. to amend/correct the notice of appeal he filed, if it limited his appeal in any way; he assumes that it was never amended, and asks this court to “consider this when making its decision”; (14) he should not have been sent to prison just for missing an orientation meeting; (15) he was also found to be in violation of parole and questions how that was possible since he received no attorney or hearing on the matter; he also claims that, during a *parole* violation hearing, his *probation* was revoked and he was sentenced to state prison; (16) the probation report lists, as a circumstance in aggravation, that defendant has engaged in violent conduct; however, assault with a deadly weapon (§ 245, subd. (a)(1)) is a serious offense, not a violent offense; (17) the probation officer falsely dated the probation report as July 25, 2012; and (18) the court sentenced him to 80 percent time on the 19 days he served *after* he was

sentenced; however, under section 4019, he should have received half time on time served before sentencing, time served after sentencing, and the time he was sentenced to; he further asserts that the time before sentencing was corrected, but he is still owed 19 days more credit for the 19 days served after sentencing, and he should have been sentenced to half time on the sentence itself.

We have reviewed the entire record and defendant's contentions, and have not found any arguable issue. Many of defendant's assertions, as well as his challenges to the court's finding that he violated his probation, are of no consequence in view of his admission to the probation violation. (See *People v. Turner* (1985) 171 Cal.App.3d 116, 125-126.) As to his ineffective assistance of counsel claim, defendant fails to allege any specific facts regarding his counsel's performance. (*People v. Dennis* (1998) 17 Cal.4th 468, 540-541.) With regard to his contentions regarding his sentence and credits, the trial court properly sentenced him and corrected his credits. Furthermore, defendant's contentions that the probation officer lied in her report, that the court relied on such lies in its decisions, and that he was treated harshly because of his race, are not supported by the record.

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 error.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

KING
J.

CODRINGTON
J.