

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD LEE CRUMPTON, SR.,

Defendant and Appellant.

E060679

(Super.Ct.No. FMB1300299)

OPINION

APPEAL from the Superior Court of San Bernardino County. Rodney A. Cortez, Judge. Affirmed.

Loleena Ansari, under appointment by the Court of Appeal, and Richard Lee Crumpton, Sr., in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant and appellant Richard Lee Crumpton, Sr., of assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4).) The jury additionally found true an allegation defendant had personally inflicted great bodily injury (Pen. Code, § 12022.7, subd. (a)). The court granted defendant three years' supervised probation.

Defendant later admitted allegations he violated the terms of his probation. The court revoked defendant's probation and sentenced defendant to the midterm imprisonment of three years.

After defendant's trial counsel filed the notice of appeal, this court appointed counsel to represent defendant. 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, a statement of the facts, and identifying two potentially arguable issues: 1) whether the court properly complied with the procedural requirements applicable to probation revocation; and 2) whether the court complied with its duty to establish a factual basis for the probation violation.

Defendant was offered the opportunity to file a personal supplemental brief, which he has done. In his brief, defendant argues his trial counsel rendered prejudicial ineffective assistance of counsel and that the victim admitted committing perjury during his trial. We affirm.

#### FACTUAL AND PROCEDURAL HISTORY

After defendant's conviction on December 6, 2012, the prosecutor informed the court that he had "received a call from one of the witnesses . . . [who] indicated to me that she believed the named victim had admitted to lying on the stand about one aspect of his testimony." "And then I called the victim and . . . he admitted that he did lie and that he dented the defendant's car with his fist."

The prosecutor had his investigator prepare a report of the statements of the two witnesses and provided it to defense counsel. Defense counsel informed the court that he

and the prosecutor had “discussed alternatives between us and one of them was to consult the Court. And so yesterday we met with the Court, and we discussed various alternatives, including making a motion for a new trial, which may or may not be granted depending on the grounds, and modifying the judgment so that [defendant] could be placed on an immediate grant of probation following his conviction” with credit for time served.

Defense counsel conveyed the alternatives to defendant: “I actually read the report . . . verbatim to [defendant] over the phone and that— part of our conversation was that he could be given a grant of probation as early as today with credit for time served, meaning he would be released today. He was demonstrably elated by that prospect.” “[I]t’s obvious that in any new trial, there’s a risk of how it is going to come out. He considered those alternatives, including the Court’s requirement that he waive his right to appeal if he is placed on a grant of probation, and he has agreed to do that and accept[s] that grant of probation under those terms.”

Defendant signed an agreement on December 20, 2013, in which he would be given a grant of probation with various terms and conditions, including that he waive his right to appeal and refrain from consuming and possessing alcohol or frequenting places where alcohol was the chief item sold (term 13). In return, defendant would receive credit for time served.<sup>1</sup> At the sentencing hearing the same day, the court asked defendant

---

<sup>1</sup> The minute order of the hearing reflects that the prohibition regarding possession or consumption of alcohol or frequenting of establishments where alcohol is the primary item of sale, was term 11.

if he understood and accepted the agreement; defendant said he did. The court specifically asked defendant if he understood “you’re giving up your rights to appeal this sentence and/or conviction and jury finding of the jury. Do you accept all those terms?” Defendant responded, “Yes, I do.” The court asked again, “And agree with your waiver of appeal rights?” Defendant responded, “Yes.”

Five days later, defendant was arrested for alcohol related disorderly conduct (Pen. Code, § 647, subd. (f)). A petition for revocation of defendant’s probation was filed on January 8, 2014, alleging defendant had violated three terms of his probation: that he violate no law (term 2), that he report to his probation officer immediately after release from custody and every 14 days thereafter or as directed (term 3), and that he neither possess nor consume any alcoholic beverages nor enter places where such beverages are the chief item of sale (term 11).

At the hearing on the petition on February 7, 2014, defendant waived his right to a contested hearing and admitted the allegations in the petition. The court revoked defendant’s probation. Defendant stated, “I already made up my mind that I’ll never drink alcohol again in my life because on Christmas day I used it for an escape from my problems, and it just made it worse.” The court sentenced defendant to the midterm of three years’ incarceration.

## DISCUSSION

Defendant contends he is entitled to relief because the victim of the underlying offense admitted he perjured himself at defendant’s trial and that his trial counsel rendered ineffective assistance of counsel.

Defendant expressly waived his right to appeal from the judgment. Thus, defendant is barred from raising issues which pertain to his conviction or sentence. (See *People v. Panizzon* (1996) 13 Cal.4th 68, 83-84.) The only issues defendant can raise in the instant appeal are those relating to the court’s revocation of his probation. Yet, defendant has not raised any issues pertaining to that ruling. Moreover, we note defendant admitted the allegations in the petition for which the court revoked his probation. Under *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues. (*People v. Woodall* (2013) 216 Cal.App.4th 1221, 1240 [“It was undisputed that defendant had violated probation by absconding from the treatment program; thus the purpose of the probable cause hearing was satisfied by defendant’s admission of the factual basis for the violation. Further, the court’s ruling that probation should be revoked implicitly included a finding that a probation violation had occurred.”].)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

CODRINGTON  
J.

We concur:

RAMIREZ  
P. J.

KING  
J.