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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.

SUNNY RAY CRAWFORD,

Defendant and Appellant.

E063319

(Super.Ct.No. FSB1300462)

OPINION

APPEAL from the Superior Court of San Bernardino County. William Jefferson Powell IV, Judge. Affirmed.

Caroline R. Hahn, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Sunny Ray Crawford is serving a two-year prison term after a jury convicted him of making criminal threats and he later violated his probation. Defendant challenges the court's decision to impose the mid-term sentence. We affirm.

FACTS AND PROCEDURE

On February 3, 2013, defendant jumped through a glass window to get into his ex-girlfriend's home. Defendant yelled at her, saying he felt like kicking her ass and was going to beat her up, choke and drag her. The victim ran out of the house and then back inside to hide in a closet in another room. Sheriff's deputies were called. The victim noticed a flat tire on her father's mini-van and that an ice pick that had been lying nearby was missing. Deputies arrested defendant at his home, hiding in a storage shed in the back yard. Defendant was at that time on probation for misdemeanor disturbing the peace (Pen. Code, § 415)¹ for an incident on May 31, 2011, in which the ex-girlfriend was also the victim. In that 2011 case, defendant was originally charged with criminal threats (§ 422), assault with a deadly weapon, great bodily injury likely (§ 245, subd. (a)(1)), false imprisonment (§ 236), and disturbing the peace (§ 415).

On February 20, 2013, the People filed an information charging defendant with first degree burglary (§ 459), criminal threats, and vandalism (§ 594, subd. (b)(2)(A)).

On May 3, 2013, a jury found defendant guilty of making criminal threats. The jury acquitted defendant of the vandalism charge and deadlocked 11 to 1 in favor of guilt on the burglary charge.

On June 3, 2013, the trial court placed defendant on probation for three years and ordered him to serve 242 days in county jail, with 242 days of credit for time served and earned. The court denied the People's request for a criminal protective order after the

¹ All section references are to the Penal Code unless otherwise indicated.

victim told the court she did not want one. The trial court had the following exchange with defendant during the sentencing hearing.

“THE COURT: Mr. Crawford, you understand probation was recommending two years in prison for you, and that’s state prison?”

“THE DEFENDANT: Yes, sir.

“THE COURT: You understand that any violation of probation may result in a state prison commitment?”

“THE DEFENDANT: Yes, your Honor.”

On March 1, 2015, the People filed a petition for revocation of probation alleging defendant violated the following terms of his probation: Term 2, “Violate no law”; Term 3, “Report to the probation officer in person immediately upon release from custody and thereafter once every fourteen (14) days or as directed”; and Term 7, “Keep the probation officer informed of place of residence . . .” These violations are based on defendant’s arrest on January 21, 2015, for false imprisonment and battery (§ 243(e)(1)), again involving the same victim, his statement that day to a sheriff’s deputy that he was living at a particular address, which he had not reported to his probation officer, and his subsequent failure to report to the probation officer after being released from custody.

On March 30, 2015, defendant admitted to violating term three by not reporting to his probation officer after being released from custody. After defense counsel requested the low term of 16 months, the trial court imposed the mid-term of two years, with credit for 312 days served and earned. The court reasoned as follows: “I do find that based on a couple factors, that he was on a grant of probation at the time of the commission of this

offense, and his prior grant of probation was unsuccessful. [¶] And, further, that his conduct is of an increasingly serious nature. I do find, in fact, it was in aggravation. [¶] I find no factors in mitigation so as to justify the low term. [¶] However, given the fact that his prior record is rather diminimus, I will not deviate from the middle term. So, I intend to impose the middle term based on that.”

On April 7, 2015, defendant appealed and requested a certificate of probable cause, which the trial court denied. On April 20, 2015, defendant filed an amended notice of appeal challenging the sentence only.

DISCUSSION

After defendant appealed, 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 and a potential arguable issue, 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 entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

KING
J.

MILLER
J.