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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.

JONATHAN DEWITT MCDOWELL,

Defendant and Appellant.

E064586

(Super.Ct.No. RIF1403740)

OPINION

APPEAL from the Superior Court of Riverside County. Edward D. Webster, Judge. (Retired judge of the Riverside Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Stephen M. Hinkle, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

A. PROCEDURAL BACKGROUND

On October 17, 2014, an information charged defendant and appellant Jonathan Dewitt McDowell with felony vandalism under Penal Code section 594, subdivision (b)(1) (count 1); resisting arrest under Penal Code section 148, subdivision (a)(1) (count 2); and being under the influence of a controlled substance under Health and Safety Code section 11550, subdivision (a). The information also alleged that defendant had suffered a prior serious felony conviction, or strike prior, pursuant to Penal Code sections 1170.12, subdivisions (a) through (d), and 667, subdivisions (b) through (i); and two prison priors pursuant to Penal Code section 667.5, subdivision (b).

On December 10, 2014, the trial court declared doubt as to defendant's competence and suspended criminal proceedings. On January 13, 2015, defendant was declared competent and criminal proceedings were reinstated. On June 10, 2015, defendant entered a plea of guilty as to count 1, in exchange for a stipulated 16-month sentence to run concurrent with case No. SWF1500382, and dismissal of the balance of the charges and enhancements.

On August 14, 2015, the trial court sentenced defendant to the lower term of 16 months for count 1, to run concurrent to the conviction in case No. SWF1500382. Defendant was awarded actual and conduct days under Penal Code section 4019.

Defendant filed a timely notice of appeal on September 28, 2015. The trial court issued a certificate of probable cause on October 1, 2015.

B. FACTUAL BACKGROUND¹

On September 21, 2014, Riverside County Sheriff's Deputy Dierdre Ritter went to an apartment complex in Moreno Valley. She learned that defendant had been banging on an apartment door; earlier he had broken another door and had entered that apartment.

Riverside County Sheriff's Deputy Jason Vickers was acting as backup to Deputy Ritter. He spoke to "Kizzy," defendant's girlfriend, who said defendant was being erratic and had been banging on doors in the apartment complex. Inside the apartment where defendant had broken the door down, there were two juveniles; they were hiding in a closet. The amount of money spent to repair the damage to the broken door was \$430. Defendant had been out of control for hours and was "completely combative"; he admitted he was "high." Deputy Vickers believed defendant to be under the influence.

DISCUSSION

After 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, and potential arguable issues, and requesting this court to undertake a review of the entire 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 error.

¹ Because defendant pled guilty in this case, the statement of facts is taken from the transcript of the preliminary hearing.

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

McKINSTER
Acting P. J.

SLOUGH
J.