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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

RAYMOND PAUL DEANDA,

Defendant and Appellant.

F062108

(Kings Super. Ct. No. 07CM3616)

**OPINION**

**THE COURT**\*

APPEAL from a judgment of the Superior Court of Kings County. Thomas DeSantos, Judge.

John K. Cotter, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\*Before Wiseman, Acting P.J., Levy, J., and Detjen, J.

In December 2008, appellant, Raymond Paul Deanda, pled guilty to assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)) and active participation in a criminal street gang (Pen. Code, § 186.22, subd. (a)). The court imposed a prison term of four years eight months, suspended execution of sentence, and placed appellant on five years' probation, with various terms and conditions, including that he obey all laws.

A report of violation of probation was filed September 22, 2010, in which it was alleged appellant violated probation by, inter alia, committing assault by means of force likely to produce great bodily injury. On January 20, 2011, following a hearing, the court found appellant to be in violation of probation. On February 8, 2011, the court lifted the stay on the previously imposed prison sentence.

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d. 436.) Appellant has not responded to this court's invitation to submit additional briefing.

At the probation violation hearing, Robert Dobbs testified to the following: He was outside a bar in Hanford late at night on December 31, 2008, when an altercation began near his car. A man named Richard told appellant, "Keep your ... hands off me," at which point appellant punched Richard in the face. It appeared the punch rendered Richard unconscious, but appellant continued to punch him. At some point thereafter, Richard was lying on the ground, apparently unconscious, and three or four persons, one of whom was appellant, were attacking him. It appeared that appellant was "trying to kill" Richard because he was "jumping up and down on his face."

The court found that appellant committed various offenses, including "at least" simple assault and simple battery, in violation of the obey-all-laws condition of probation.

The abstract of judgment filed September 27, 2011, states, in item no. 8 on page 1, that appellant's "TOTAL TIME EXCLUDING COUNTY JAIL TERM" is 4 years 0 months. This is in error. As indicated above, appellant was sentenced to four years eight months in prison. We will direct the trial court to issue an amended abstract of judgment indicating the correct prison term. We advised the parties, pursuant to Government Code section 68081, that were we to otherwise affirm the judgment we would make this order. Neither party has objected.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

#### **DISPOSITION**

The superior court is directed to prepare an amended abstract of judgment indicating in item no. 8, on page 1, that appellant's total prison term is four years eight months and to forward it to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.