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

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSE LEE JOHNSON,

Defendant and Appellant.

F070789

(Stanislaus Super. Ct. No. 1449584)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Linda A. McFadden, Judge.

Michael L. Pinkerton, 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 Franson, Acting P.J., Peñã, J., and Smith, J.

Appellant Jesse Lee Johnson appeals from the denial of his *Marsden*¹ motion. Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

FACTUAL AND PROCEDURAL HISTORY

On September 12, 2012, at approximately 3:30 a.m., Johnson called his wife in Patterson, California, to tell her he ran out of gas and was stranded near Wesley, California. Johnson wanted her to bring him some gas, but she refused. Johnson threatened to hit her with a machete, and she hung up. Johnson again called his wife and threatened to hit her with a machete when he got home. After the second call, Johnson's wife called 911. A police officer responded to the residence, spoke with Johnson's wife, and then left to locate Johnson.

The officer located Johnson on a roadway outside of Wesley and pulled in behind him. The officer told Johnson he was under arrest for threatening his wife. Johnson responded by yelling, "I'll end your life right now. You better shoot me right now before I do it." The officer, however, was able to take Johnson into custody after telling Johnson he would release a police canine if Johnson did not comply with the officer's orders.

On February 7, 2013, a jury convicted Johnson of making criminal threats (count I/Pen. Code, § 422)² and resisting an executive officer (count II/§ 69). In a separate proceeding the court found true two prior prison term enhancements (§ 667.5), a serious felony enhancement (§ 667, subd. (a)(1)), and allegations that Johnson had a prior conviction within the meaning of the three strikes law (§ 667, subds. (b)-(i)).

¹ *People v. Marsden* (1970) 2 Cal.3d 118.

² All further statutory references are to the Penal Code.

On April 22, 2013, Johnson was sentenced to an aggregate 12-year term: a three-year term on count I, doubled to six years because of Johnson's prior strike conviction, a five-year serious felony enhancement, a one-year prior prison term enhancement, and a four-year concurrent term on count II.

On September 24, 2014, in an unpublished opinion this court found the trial court erred by its failure to hold a *Marsden* hearing and remanded the matter to the trial court for it to conduct one. We also directed the court to appoint new counsel if the court determined that good cause for the appointment of new counsel had been shown, or to reinstate the verdict and judgment if the court determined that good cause had not been shown.

On January 5, 2015, the court conducted a *Marsden* hearing. After finding that Johnson did not establish good cause for the appointment of new counsel, it reinstated the verdict and judgment in this matter.

Johnson's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) However, in a letter filed with this court on May 8, 2015, Johnson appears to contend that during the trial his defense counsel did not call any peace officers as witnesses but he does not raise any issues relating to the January 5, 2015, denial of his *Marsden* motion.

Following an independent review of the record we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.