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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

LAWRENCE RACHAL FIELDS,

Defendant and Appellant.

G050540

(Super. Ct. Nos. R-01023, 13NF1224
30-2014-00741443, 30-2014-
00741444)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Kazuharu Makino, Judge. Affirmed.

Thomas K. Macomber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

We appointed counsel to represent Lawrence Rachal Fields on appeal. Counsel filed a brief that set forth the facts of the case. Counsel did not argue against his client but advised the court counsel found no issues to argue on his behalf. We gave Fields 30 days to file written argument on his own behalf. That time has passed, and Fields did not file a brief.

Counsel filed a brief following the procedures outlined in *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). The court in *Wende* explained a *Wende* brief is one that sets forth a summary of proceedings and facts but raises no specific issues. Under these circumstances, the court must conduct an independent review of the entire record. When specific issues are raised by the appellant himself in a *Wende* proceeding, we must expressly address them in our opinion and explain why they fail. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 120, 124.) Here, Fields did not file a brief raising any issues.

Fields appeals from the finding of a probation violation. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), to assist the court with its independent review, counsel provided the court with information as to issues that might arguably support an appeal. Counsel raised the following three issues: (1) on case R-01023, did the trial court abuse its discretion by ordering Fields to serve a 180-day jail term after it found he violated probation; (2) on case 13NF1224, did the court abuse its discretion by ordering Fields to serve the balance of his sentence after it found he violated probation; and (3) on case 30-2014-00741444 (13NM14536), did the court abuse its discretion by ordering Fields to serve the balance of his sentence after it found he violated probation.

We have reviewed the record in accordance with our obligations under *Wende* and *Anders* and considered the information provided by counsel. We found no arguable issues on appeal. The judgment is affirmed.

FACTS

In August 2014, Fields appeared before the trial court on several matters. He had a revocation of post-release community supervision (PRCS) on felony case R-01023 and a revocation of mandatory supervision (MS) on felony case 13NF1224. Fields also had a misdemeanor probation violation on case 30-2014-00741443 (formerly 12NM14536), and a misdemeanor probation violation on case 30-2014-00741444 (formerly 11NM03488). The sole allegation on the revocation of PRCS, the MS case, and the two probation violation cases was the same—driving on a suspended license. Fields requested a formal hearing on all the revocation cases.

At the hearing, Officer Jesse Garcia testified he stopped Fields at southbound Pine Avenue and Florence Avenue in the City of Bell, Los Angeles County, for failure to come to a complete stop. When Garcia asked Fields for his driver's license, Fields said it was suspended. Garcia determined Field's driver's license was in fact suspended.

Case R-01023 (PRCS)

In January 2012, Fields pleaded guilty to a violation of Penal Code¹ section 646.9, subdivision (b) (stalking), and was sentenced to two years in prison. The maximum sentence was four years in prison.

In April 2012, Fields was released from prison. In November 2012, Fields admitted a violation of PRCS. Supervision was reinstated, and Fields was sentenced to 60 days in jail. In February 2013, Fields admitted a violation of PRCS. Supervision was reinstated, and Fields was sentenced to 120 days in jail. In July 2013, Fields admitted a violation of PRCS. Supervision was reinstated, and Fields was sentenced to 180 days in jail. In January 2014, Fields admitted a violation of PRCS. Supervision was reinstated,

¹

All further statutory references are to the Penal Code.

and Fields was sentenced to 180 days in jail, concurrent with Orange County Superior Court case No. 13NF1224. Fields timely filed a notice of appeal.

Case 13NF1224 (MS)

In April 2013, an information charged Fields with violating sections 273.5, subdivision (a) (domestic battery with corporal injury) (count 1); sections 236/237, subdivision (a) (false imprisonment by violence) (count 2); and section 166, subdivision (c)(1) (violation of a protective order) (count 3). It was also alleged Fields suffered a prior conviction pursuant to section 667.5, subdivision (b). In July 2013, the trial court granted the prosecutor's motion to reduce count 1 to a misdemeanor pursuant to section 17, subdivision (b). Fields subsequently pleaded guilty to counts 1, 2, and 3, and admitted the allegation pursuant to section 667.5, subdivision (b). The trial court sentenced Fields to the upper term of three years in jail for count 2, plus one year in jail concurrent for count 1, plus six months in jail concurrent for count 3. The court ordered a divided sentence pursuant to section 1170, subdivision (h)(5), ordering Fields to serve one year in jail followed by MS for two years. The court struck the allegation pursuant to section 667.5, subdivision (b), for sentencing purposes.

In January 2014, Fields admitted a violation of MS. Probation was reinstated, and Fields was sentenced to 180 days in jail. MS was again revoked in June 2014. After formal hearing in August 2014, Fields was found in violation of MS. MS was reinstated, and Fields was sentenced to 404 days in jail pursuant to section 1170, subdivision (h)(5). The court ordered this sentence to be served concurrently. Fields timely filed a notice of appeal.

Case 30-2014-00741444 – formerly 12NM14536 (Misdemeanor Probation Violation)

In December 2012, a criminal complaint charged Fields with violating section 243, subdivision (e)(1) (domestic violence battery) (count 1); section 69 (resisting and deterring an executive officer) (count 2); and section 243, subdivision (b) (battery on emergency personnel) (count 3). In January 2013, Fields pleaded guilty to counts 2 and

3. The court placed him on three years of informal probation with various terms and conditions including that he serve 60 days in jail.

In July 2013, Fields admitted a violation of probation. Probation was reinstated under the same terms and conditions. As to counts 2 and 3, “The parties stipulated that if the restitution that remains outstanding on this case is closed and paid that the probation status may be terminated as part of the negotiated disposition on case 13NF1224.”

The trial court was subsequently notified the restitution case had been closed and in February 2015, the court terminated probation and ordered Fields released on this case rendering any appellate issue on this case moot.

Case 30-2014-00741443 – formerly 11NM03488 (Misdemeanor Probation Violation)

In February 2011, a criminal complaint charged Fields with violating section 236 (violating personal liberty of another) (count 1); section 243, subdivision (e)(1) (spousal battery) (count 2); section 273.5, subdivision (a) (domestic violence) (count 3); section 273.6, subdivision (a) (violate court order) (count 4); section 148, subdivision (a)(1) (resisting arrest) (counts 5-7); and section 241, subdivision (c) (battery on peace officer) (counts 8-10). In August 2011, Fields pleaded guilty to counts 1 and 4 through 7, and the trial court dismissed the remaining counts. The court placed Fields on three years of informal probation on various terms and conditions including that he serve 90 days in jail.

In August 2012, Fields admitted a violation of probation, the court reinstated probation under the same terms and conditions with the additional condition that Fields was sentenced to 30 days in jail, stayed pending completion of probation with no further violations. In November 2012, Fields admitted a second violation of probation. Probation was reinstated, and Fields was ordered to complete 10 days

Cal Trans with proof to be shown by December 24, 2012. In January 2013, Fields admitted a third violation of probation. Probation was again reinstated under the same terms and conditions, but the court vacated the 10 days Cal Trans imposed in November 2013. In July 2013, Fields admitted a fourth violation of probation, and probation was reinstated under the same terms and conditions.

Probation was again revoked, and a bench warrant was issued in April 2014. After formal hearing on August 7, 2014, Fields was found in violation of probation and probation was terminated. Fields filed a timely notice of appeal. The two misdemeanor probation violation cases were ordered transferred to this court to be considered with the appeal in case Nos. R-01023 and 13NF1224.

DISCUSSION

A review of the record pursuant to *Wende, supra*, 25 Cal.3d 436, and *Anders, supra*, 386 U.S. 738, including the possible issues raised by appellate counsel, has disclosed no reasonably arguable appellate issue.

DISPOSITION

The judgment is affirmed.

O'LEARY, P. J.

WE CONCUR:

RYLAARSDAM, J.

FYBEL, J.