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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DONALD JULIAN HUGHES,

Defendant and Appellant.

H036834

H037590

(Monterey County

Super. Ct. No. SS101955)

Defendant Donald Julian Hughes arranged to rent a condominium. He provided to the property manager two checks totaling \$5,700 for the rent and security deposit. When she attempted to negotiate the checks, she learned that they were “no good” and had been drawn on a closed account. The property manager confronted defendant about the checks, but he claimed that his “Corporation” should be handling this, as he did not get involved in “‘money matters.’” Defendant was contacted by the police, and he told them that “replacement” checks from the “Corporation” would take 90 days. He also challenged the property manager’s right to the funds, although he was living in the condominium.

Defendant was charged by information with two counts of forgery (Pen. Code, 475, subd. (a)). He entered into a plea agreement under which he pleaded no contest to one count in exchange for felony probation and dismissal of the other count. After he had entered his plea, defendant refused to appear for his probation interview. Eventually,

arrangements were made for a telephone interview, during which defendant told many lies and claimed that he had “done nothing wrong.” Defendant had an extensive criminal record, including eight prior felony convictions, dating back to 1973, primarily for theft-related offenses. His prior performance on probation had been poor, with multiple probation violations, and he had served several prison terms. Defendant also had a history of mental health issues. He claimed to be a minister, but he had previously used false identities on multiple occasions.

In February 2011, the court suspended imposition of sentence and placed defendant on probation. The conditions of probation included a 240-day jail sentence, and defendant was required to report to the probation department within three days and to surrender to serve the jail term by March 30. The probation conditions also barred him from moving from Alameda County without permission and required him to report any change of address within 24 hours. Defendant timely filed a notice of appeal from the probation order. His request for a certificate of probable cause was denied.

Defendant failed to report to probation. The probation officer contacted defendant by telephone in March 2011, and defendant told the probation officer that he did not need to report, no longer lived in California, and had moved to Arizona. The probation officer told defendant that he was in violation of his probation, and defendant responded: “‘I don’t give a fuck about probation and you can tell the Court I said I don’t give a fuck about probation.’”

In April 2011, after defendant had failed to surrender to serve his jail term, the probation department filed a petition alleging that defendant had violated his probation by failing to report to probation, failing to surrender to serve his jail term, moving without permission, and failing to notify probation that he had changed his address. Defendant admitted violating his probation.

At the May 13, 2011 sentencing hearing, the court stated that it was “convinced from the beginning” that defendant “is a flim-flam man.” “The Court’s only hope here is

that when he does get out of prison, he gives Monterey County a wide berth.” The court denied probation and committed defendant to state prison for the two-year middle term. After being granted relief from default, defendant filed a notice of appeal from the May 2011 judgment.

Appointed appellate counsel has filed an opening brief for both appeals that states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The order and judgment are affirmed.

Mihara, J.

WE CONCUR:

Premo, Acting P. J.

Marquez, J.