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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE, Plaintiff and Respondent, v. JOSEPH DOUGLAS JONES, Defendant and Appellant.	A155504 (Marin County Super. Ct. No. SC192390A)

Joseph Douglas Jones appeals from a judgment sentencing him to two years in prison after he violated his probation in connection with his conviction for attempted residential burglary (Pen. Code, §§ 664, 459).[1] Defendant's appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. We find no issues requiring further review and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In May 2015, the People filed a complaint charging defendant with one count of residential burglary (§ 459). The People later amended the charging document to allege one count of attempted residential burglary. (§§ 664, 459.) Defendant pleaded guilty to attempted residential burglary and was placed on probation for a period of three years.

In November 2015, defendant's probation was revoked after he failed to report to the probation department as directed. After defendant failed to appear for his court date,

[1] All further statutory references are to this code.

a bench warrant was issued, and defendant remained in bench warrant status for over two years.

In June 2018, after a hearing, the trial court found that defendant had violated probation based on his failure to report. The court extended defendant's probation to August 10, 2021, and ordered him to serve 60 days in county jail (19 actual days) and to report to his probation officer within 72 hours of his release from custody.

In July 2018, the Marin County Probation Department filed a petition to revoke defendant's probation. The petition alleged that on June 20, 2018, defendant was released from jail but failed to report to the probation department within 72 hours of his release. The trial court revoked defendant's probation and set the matter for hearing on the violation.

In August 2018, defendant admitted the allegation of the probation revocation petition, and the trial court sentenced him to two years in state prison. The trial court awarded defendant presentence credits of 172 days actual and 172 days conduct credits pursuant to section 4019, for a total of 344 days.

Defendant filed a timely notice of appeal along with a request for certificate of probable cause, alleging he admitted the allegation of the probation revocation petition under duress due to the conditions of his incarceration. The trial court denied the request for a probable cause certificate.

Thereafter, defendant filed a motion in the trial court pursuant to section 1237.1 to amend the abstract of judgment to award him presentence credits of 176 days actual and 176 days conduct credits for total presentence credits of 352 days. The trial court granted the motion and corrected its presentence credit award as requested.

DISCUSSION

Defendant's appellate counsel has filed a brief pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436, and asks this court to independently review the entire record to determine if it contains any issues which would, if resolved favorably to the defendant, result in reversal or modification.

The declaration of defendant's appellate counsel filed with his *Wende* brief did not clearly indicate that defendant was appropriately apprised of his right to file supplemental briefing. (*People v. Kelly* (2006) 40 Cal.4th 106, 124.) Thus, on June 13, 2019, this court filed and caused to be served on defendant an order permitting defendant to file a supplemental brief. No brief was filed by defendant.

We have independently examined the entire record and have found no reasonably arguable appellate issue, and we are satisfied that counsel has fully complied with his responsibilities to adequately set forth the facts and issues involved. (*People v. Kelly*, *supra*, 40 Cal.4th at pp. 109–110; *People v. Wende*, *supra*, 25 Cal.3d at pp. 440–441.)

DISPOSITION

The judgment is affirmed.

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Fujisaki, J.

WE CONCUR:

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Siggins, P. J.

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Petrou, J.

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