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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

SERGIO RUIZ,

Defendant and Appellant.

2d Crim. No. B232957
(Super. Ct. No. BA378750)
(Los Angeles County)

Sergio Ruiz appeals a judgment following conviction of first degree burglary, with a finding that a person other than an accomplice was present in the residence during the burglary, and simple assault. (Pen. Code, §§ 459, 667.5, subd. (c), 240.)¹

At a jury trial, the prosecutor presented evidence that in the evening of December 2, 2010, Ruiz broke into and entered the Los Angeles residence of his girlfriend. The roommate of Ruiz's girlfriend was there alone. Ruiz stated that he desired to have sex with the roommate, who locked herself in the bathroom and telephoned for police assistance. Other roommates arrived home and saw Ruiz attempt to open the bathroom door. Los Angeles County Sheriff's deputies soon arrived and found Ruiz, who was intoxicated, outside the residence.

¹ All further statutory references are to the Penal Code unless stated otherwise.

The jury convicted Ruiz of first degree burglary and simple assault. (§§ 459, 240.) It also found that a person, other than an accomplice, was present during the burglary. (§ 667.5, subd. (c).) The trial court sentenced Ruiz to an upper six-year prison term. Pursuant to section 654, it imposed but stayed sentence for simple assault. The court also imposed a \$200 restitution fine, a \$200 parole revocation restitution fine (stayed), a \$40 court security assessment, and a \$30 criminal conviction assessment. (§§ 1202.4, subd. (b), 1202.45, 1465.8, subd. (a)(1); Gov. Code, § 70373.) The court awarded Ruiz 166 days of presentence custody credit.

We appointed counsel to represent Ruiz in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On November 23, 2011, we advised Ruiz that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

We have reviewed the entire record and are satisfied that Ruiz's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Henry J. Hall, Judge
Superior Court County of Los Angeles

Ann Krausz, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.