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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD TISNADO MADRID,

Defendant and Appellant.

B233164

(Los Angeles County  
Super. Ct. No. MA045486)

APPEAL from a judgment of the Superior Court of Los Angeles County, Charles Chung, Judge. Affirmed.

Heather J. Manolakas, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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An information filed January 27, 2010, charged appellant with 10 felony counts, all of which were alleged to have occurred on or about April 22, 2009:

Count 1: Grand theft auto (Pen. Code, § 487, subd. (d)(1));<sup>1</sup>

Count 2: Arson of property of another (§ 451, subd. (d));

Counts 3, 5 and 6: Attempted carjacking (§§ 664, 215, subd. (a));

Counts 4 and 7: Carjacking (§ 215, subd. (a));

Count 8: Assault with a deadly weapon (§ 245, subd. (a)(1));

Count 9: Assault upon peace officer or firefighter (§ 245, subd. (c)); and

Count 10: Evading an officer with willful disregard (Veh. Code, § 2800.2, subd. (a)). As to count 4, the information alleged that appellant personally used a firearm (§ 12022.53, subd. (b)) and, as to counts 7 and 8, also alleged that the victim was over 65-years- old (§ 667.9, subd. (a)).

The information alleged that appellant committed the offenses charged in counts 3, 4, 5, 6 and 7 for the benefit of, at the direction of, and in association with a criminal street gang with the specific intent to promote, further, and assist in criminal conduct by gang members (§ 186.22, subd. (b)(1)(C)). It also alleged that counts 2, 8 and 9, were committed for the benefit of, at the direction of, and in association with a criminal street gang with the specific intent to promote, further, and assist in criminal conduct by gang members (§ 186.22, subd. (b)(1)(B)).

The information alleged that appellant suffered prior convictions for serious or violation felonies, specifically, two robbery convictions (§ 211), in 1985 and 1989, (§§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)). It also alleged that appellant had suffered nine prior convictions and had not remained free from prison custody for, and had committed an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of his prior term (§ 667.5, subd. (b)).

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

Pursuant to a plea agreement, appellant pleaded nolo contendere to count 10 and admitted having suffered two prior strike convictions in exchange for a sentence of 25 years to life. Counts 1 through 9 were dismissed, and appellant was sentenced to 25 years to life. A victim restitution hearing over which the trial court retained jurisdiction was subsequently taken off calendar, and appellant was credited with 714 actual days and 356 conduct credits. This appeal followed.

After examination of the record, appellant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) raising no issues, and asking this court to independently review the record. The *Wende* brief contained a declaration from counsel stating that she had reviewed the record, and had sent appellant two letters advising him that such a brief would be filed and that he was free to file a supplemental brief if he chose to do so. On November 29, 2011, we advised appellant he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, appellant has not filed a supplemental brief and we have received no response to our letter.

We have examined the record and are satisfied that appellant's counsel has fully complied with her responsibilities, and no arguable legal issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

#### **DISPOSITION**

The judgment is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

MALLANO, P. J.

CHANEY, J.