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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT VINCENT RAMIREZ,

Defendant and Appellant.

B236432

(Los Angeles County
Super. Ct. No. NA087894)

THE COURT:*

Defendant and appellant Robert Vincent Ramirez (defendant) appeals from the judgment entered upon his violation of probation. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On February 23, 2012, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues affirm the judgment.

In Los Angeles Superior Court case No. NA087894, defendant was charged with having unlawfully possessed narcotics on January 29, 2011. Count 1 alleged a violation of Health and Safety Code section 11378, possession for sale of methamphetamine, with

* DOI TODD, Acting P.J., ASHMANN-GERST, J., CHAVEZ, J.

the special allegation that defendant committed the offense while armed with a firearm. Count 2 alleged possession of methamphetamine while armed with a loaded, operable firearm, in violation of Health and Safety Code section 11370.1, subdivision (a).

On May 17, 2011, defendant was convicted of count 2 upon a plea of no contest. According to a plea agreement, the trial court dismissed count 1 and placed defendant on three years of formal probation upon specified conditions, including the condition that he obey all laws. Among other things, the court informed defendant that the violation of any term or condition would result in his serving a four-year prison term.

Two weeks later, the trial court summarily revoked defendant's probation due to a new charge in superior court case No. NA089056, and scheduled a joint preliminary hearing and probation violation hearing. At that hearing, Long Beach Detective Ricardo Solorio testified that on May 25, 2011, he and other officers searched defendant's Long Beach residence pursuant to a warrant, and found live ammunition in a bedroom dresser drawer and closet. The officers found multiple forms of ammunition, 300 rounds in all. In the same bedroom, officers found clothing in defendant's size, credit cards in defendant's name, and some gang paraphernalia marked with defendant's nickname, "Crazy." Detective Solorio had searched that bedroom before, and had seen defendant there. Based upon the prior contacts and searches, as well as the credit cards and clothing found in the bedroom, it was Detective Solorio's opinion that the room with the ammunition was defendant's bedroom.

The defense called defendant's aunt Corina Zambrano (Zambrano), who testified that on May 25, 2011, she lived alone in the house that was searched. She also testified that defendant lived with his mother in Bellflower and that the clothing found by officers belonged to defendant's father, who stored them at her house. Zambrano claimed that she was not aware that the ammunition was in the bedroom, which was a spare room in her house.

The trial court held defendant to answer on the new charge, possession of ammunition by a convicted felon, in violation of former Penal Code section 12316, subdivision (b)(1), and found defendant to be in violation of probation.

On September 19, 2011, the day set for trial, the prosecutor informed the trial court that the People would dismiss the new criminal charge if the court sentenced defendant on the probation violation to four years in prison. Defense counsel informed the court that defendant had a viable defense to the new charge, as defendant's brother had admitted that he owned the ammunition. Counsel asked the court to sentence defendant to a suspended one-year county jail term. The trial court rejected that request, terminated probation, and sentenced defendant to the high term of four years in prison in case No. NA087894. (See Health & Saf. Code, § 11370.1, subd. (a).) The court imposed mandatory fines and fees, and awarded a total of 238 days of custody credit, which included 118 days of current actual time served plus two days not previously credited.

On the prosecution's motion, the court dismissed case No. NA089056. The trial court also terminated probation in a misdemeanor case, No. 9LG02553, and dismissed it. Defendant filed a timely notice of appeal in case No. NA087894.

We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

The judgment is affirmed.

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