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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROGER GUTIERREZ,

Defendant and Appellant.

B242994

(Los Angeles County Super. Ct.
No. MA050216)

APPEAL from a judgment of the Superior Court of Los Angeles County, Kathleen Blanchard, Judge. Affirmed.

Law Offices of Joy A. Maulitz and Joy A. Maulitz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Roger Gutierrez entered a plea of no contest in October 2010 to a charge of second degree robbery (Pen. Code, § 211) and admitted the offense was committed for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b)). Pursuant to an agreed upon case disposition, imposition of sentence was suspended, and defendant was placed on formal probation for three years conditioned upon, among other things, service of one year in county jail.

Formal probation violation proceedings were commenced against defendant in 2012. Testimony at the formal probation violation hearing established that defendant ran upon seeing police officers. A loaded .22 caliber handgun was found in the area where defendant jumped over a fence. Defendant ran into a residence, without the permission of the resident, and refused to leave when requested. He was taken into custody in the residence.

Based on this evidence, the trial court found defendant in violation of probation. Probation was revoked and terminated. Defendant was sentenced to prison for a total of 13 years, consisting of 3 years for the robbery and 10 years for the gang enhancement. Defendant filed a timely notice of appeal.

This court appointed counsel for defendant. Appointed counsel filed a brief raising no issues but requested this court to independently review the record for arguable contentions pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court, dated March 5, 2013, of his right to file a supplemental brief within 30 days. The 30-day period has lapsed and no brief has been received.

We have completed our independent review of the record and find no arguable appellate contentions. Defendant's 2010 plea was properly entered. The probation violation finding is supported by substantial evidence. The sentence imposed is authorized by law.

The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.