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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.

IVAN CALDERON,

Defendant and Appellant.

2d Crim. No. B251484
(Super. Ct. No. VA126546)
(Los Angeles County)

Ivan Calderon appeals a judgment finding him in violation of felony probation and sentencing him to six years and four months in state prison.

In January 2013, Calderon pled no contest to one count of making a criminal threat (Pen. Code, § 422) and admitted a gang enhancement (*id.*, 186.22, subd. (b)(1)(B)). The trial court placed him on probation for three years.

In May 2013, Calderon pled no contest to misdemeanor assault by means of force likely to cause great bodily injury in Los Angeles County Superior Court Case No. 3 WWW01698. (Pen. Code, § 245.)

Based on his misdemeanor assault conviction, the trial court found Calderon in violation of his probation in the instant case. The court sentenced him to the low term of 16 months for the criminal threat and a consecutive five years for the gang enhancement.

We appointed counsel to represent Calderon on appeal. After counsel's examination of the record, she filed an opening brief raising no issues. On May 4, 2014, counsel declared that she wrote Calderon informing him of her intention to file the brief and informing him of his right to file a supplemental brief. We have received no supplemental brief.

Concurrently with this appeal, counsel has also filed on Calderon's behalf a petition for writ of habeas corpus in *In re Calderon*, Case No. B257803. The writ petition alleges Calderon has received ineffective assistance of counsel. Because resolution of this claim necessarily involves matters outside the record on appeal, we transferred the petition for writ of habeas corpus to the superior court for resolution in the first instance. (*People v. Seijas* (2005) 36 Cal.4th 291, 307; *People v. Johnson* (2009) 47 Cal.4th 668, 685.)

We have reviewed the entire record on appeal and are satisfied that Calderon's attorney has fully complied with her responsibilities and that no arguable issues exist as to the sufficiency of the evidence to support the probation violation and sentence imposed. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) We express no opinion on the issues raised in Calderon's habeas petition.

The judgment is affirmed.

GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Roger Ito, Judge

Superior Court County of Los Angeles

Laurie Wilmore, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.