

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

MELVIN PIMPTON,

Defendant and Appellant.

B265448

(Los Angeles County
Super. Ct. No. MA064594)

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

Gideon Margolis, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Melvin Pimpton entered a plea of no contest to a charge of first degree residential burglary (Pen. Code, § 459)¹, and admitted suffering a prior conviction under the three strikes law (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)) and serving a prior prison term. Pursuant to an agreed upon settlement, other allegations were dismissed and defendant waived 90 days of custody credits. The trial court sentenced defendant to five years in state prison, consisting of the low term of two years for the burglary, doubled based on the prior strike felony conviction, and enhanced by one year for the prior prison term.

Defendant filed a notice of appeal, stating the appeal is based on: (1) the sentence or other matters occurring after the plea that do not affect the plea's validity; (2) the denial of a motion to suppress under section 1538.5; (3) the validity of the plea or admission; and (4) the plea being "coherst" by defense counsel, who had a conflict of interest and "tricked" defendant into the plea by telling defendant his strike conviction would be dismissed. This court appointed counsel to represent defendant on appeal.

On November 6, 2015, appointed counsel filed a brief raising no issues, but requesting this court to independently review the record for error in accord with *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised of his right to file a supplemental brief within 30 days. The time to file a supplemental brief has elapsed and no brief has been filed.

We have completed our independent review of the record. Evidence presented at the preliminary hearing was sufficient to hold defendant to answer for the charge of residential burglary, as a window screen was removed from a residence during the time period in which defendant was trying to force his way into the home through the front door. There was no motion to suppress under section 1538.5, nor do we discern a basis for such a motion. The terms of the case settlement were clearly explained to defendant, who indicated he understood and that he wished to accept the disposition. Defendant was

¹ All statutory references are to the Penal Code.

specifically told that he was admitting a prior conviction under the three strikes law, and that the current plea would constitute a second strike. Defendant was fully advised of his constitutional rights in connection with the plea and admissions. The sentence was imposed according to the case settlement agreement.

We are satisfied appointed counsel fulfilled his obligations, and there are no issues warranting further review on appeal. The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

TURNER, P. J.

MOSK, J.