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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR DANIEL VALENZUELA,

Defendant and Appellant.

C068616

(Super. Ct. No.
08F07878)

Appointed counsel for defendant Victor Daniel Valenzuela has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We find no errors and no concerns regarding presentence credits. We shall affirm the judgment.

BACKGROUND

Defendant was charged in an amended complaint with making a false or fraudulent statement to reduce the cost of worker's compensation insurance (count 1; Ins. Code, § 11880, subd. (a)),

failing to provide information to avoid taxes (count 2; Unemp. Ins. Code, § 2117.5), and failing to pay unemployment insurance taxes (count 3; Unemp. Ins. Code, § 2118.5).

On January 26, 2011, defendant pled no contest to counts 1 and 2, with the understanding that he would receive probation and a different, pending case would be dismissed with a *Harvey* waiver.¹ The parties further agreed that defendant would pay \$100,000 in restitution to the State Compensation Insurance Fund and \$74,424.24 in restitution to the Employment Development Department.

The factual basis for the plea was stated by the People at the time of the change of plea hearing in summary as follows: defendant had claimed in State Compensation Insurance Fund payroll forms that he had no employees, when in fact he did, with the intent and purpose to reduce the premium rate and cost of insurance. He also failed to "file a return and report and supply information with intent to evade tax imposed by the California Unemployment Insurance Code" and further failed to report employees and pay employment taxes to the Employment Development Department.

The trial court granted defendant formal probation, with conditions including 180 days in jail (with credit for one day), payment of the agreed-upon restitution amounts, and payment of restitution to victims Rancho Cordova Police Department and

¹ *People v. Harvey* (1979) 25 Cal.3d 754 (*Harvey*).

Sacramento County Sheriff's Department in an amount to be determined. The court also imposed various fines and fees.

On May 23, 2011, defendant appeared with appointed counsel who argued a motion to withdraw his plea, claiming that he was under the influence of medication at the time of his plea. After hearing testimony, the court denied the motion.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

DUARTE, J.

We concur:

NICHOLSON, Acting P. J.

BUTZ, J.