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

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD JAY VALECK,

Defendant and Appellant.

C068859

(Super. Ct. No.
CRF09486)

Between September 5, 2009, and September 29, 2009, defendant Ronald Jay Valeck placed 9-1-1 emergency telephone calls in which he reported that bombs had been placed at an apartment complex and a school.¹ A person who was familiar with

¹ Because the matter was resolved by plea, our statement of facts of the underlying offense is taken from the probation report and the prosecutor's statement of factual basis for the plea.

defendant's voice listened to recordings of the calls and identified the caller as defendant.

Defendant pleaded guilty to one count of making a false report of a bomb or explosive. (Pen. Code,² § 148.1.) In exchange, two counts of that offense and one count of using a 9-1-1 emergency line with intent to harass (§ 653x, subd. (a)) were dismissed.

Imposition of sentence was suspended and defendant was placed on probation for three years on the conditions, among others, that he serve 72 days of incarceration with 72 days' credit for time served, abstain from alcohol and controlled substances, and submit to urinalysis tests. Defendant was ordered to make restitution to the Yuba County Sheriff's Department for its investigation of the telephone calls and pay a \$200 restitution fine (§ 1202.4) plus collection fee, a \$200 restitution fine suspended unless probation is revoked (§ 1202.44), a \$40 per month probation supervision fee, a \$30 court security fee (§ 1465.8 , subd. (a)(1)), a \$30 court facilities assessment (Gov. Code, § 70373), a \$370 fee for the probation report, a \$43.50 booking fee, and a \$100 attorney fee. Based on his conviction, the trial court found that defendant violated his probation in an unrelated case.

From March 2011 through May 2011, defendant failed to report for several urinalysis tests and three times tested

² Further statutory references are to the Penal Code unless otherwise indicated.

positive for methamphetamine. In April 2011, the Yuba County Sheriff's Department arrested defendant for being under the influence of an alcoholic beverage. The probation officer referred defendant to a drug treatment program he previously had completed, but, after attending an orientation, he failed to attend any further classes or meetings.³

A petition was filed alleging that defendant violated his probation by testing positive for methamphetamine, failing to test as directed, and being under the influence of alcohol. Defendant admitted the violations.

Defendant was sentenced to state prison for the upper term of three years with 116 days' custody credit and 116 days' conduct credit pursuant to the relevant 2010 amendment to section 2933. (Former § 2933, subd. (e)(1), as amended by Stats. 2010, ch. 426, § 1, eff. Sept. 28, 2010.) The trial court confirmed the \$200 restitution fine, \$30 court security fee, and \$30 court facilities assessment; lifted the suspension of the \$200 probation revocation restitution fine; and ordered defendant to pay a \$200 restitution fine suspended unless parole is revoked (§ 1202.45).

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v.*

³ Because the probation violation was resolved by plea, our statement of facts is taken from the probation officer's report.

Wende (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

BLEASE, Acting P. J.

We concur:

ROBIE, J.

DUARTE, J.