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COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

PRINCE ANTHONY BARRAGAN,

Defendant and Appellant.

C069336

(Super. Ct. No. TF036468A)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *People v. Kelly* (2006) 40 Cal.4th 106, 110 (*Kelly*). Having reviewed the record as required by *Wende*, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (*Kelly, supra*, 40 Cal.4th at p. 124.)

On August 4, 2011, pursuant to a plea bargain, defendant Prince Anthony Barragan pled no contest to assault by means of force likely to produce great bodily injury (Pen. Code, § 245,

subd. (a)(1)) in exchange for the dismissal of a second related charge, a promise of no state prison at the outset, and an agreement that if he successfully completed three years of a five-year probation period, the prosecution would have no objection to the court's reducing the offense to a misdemeanor.

Following defendant's change of plea, he waived his right to a probation report and the court suspended imposition of sentence and placed him on formal probation for five years, conditioned upon, among other things, service of 90 days in county jail. The court imposed \$200 restitution fines in accordance with Penal Code sections 1202.4 and 1202.44, a \$30 conviction assessment, a \$40 court security fee, and a \$4 emergency medical air transportation fee. The court later imposed probation supervision costs of \$1,320, payable at \$22 per month.¹

FACTUAL BASIS FOR PLEA

On April 1, 2011, defendant displayed a knife and pointed it at a 14-year-old girl who was "2 and a half to 3 feet" away. The girl's father pushed defendant away, and defendant made verbal threats as he ran off.

DISCUSSION

Appointed counsel for defendant 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*,

¹ On August 30, 2011, the court modified probation from formal to informal.

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 issues that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____ MURRAY _____, J.

We concur:

_____ NICHOLSON _____, Acting P. J.

_____ HULL _____, J.