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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

BERNARD ANDREW BALTIERRA,

Defendant and Appellant.

C069597

(Super. Ct. No. CM034732)

On an evening in June 2011, an Oroville police officer responded to a call of a drunken male walking on a road. The officer identified the male as defendant Bernard Andrew Baltierra and recognized him as a person who recently had been at the police department. Defendant had registered as a transient sex offender. The officer questioned defendant as to where he lived, and he responded that he resided "from time to time" at a trailer park with his sister. Officers transported defendant to the sister's residence, and she confirmed that he had moved in with her sometime in January or February 2011.

Defendant was arrested for failing to properly report his address.

Defendant pled no contest to failure to register at each address at which he regularly resides.

Defendant was sentenced to state prison for the upper term of three years, awarded 85 days' custody credit and 42 days' conduct credit, and ordered to pay a \$200 restitution fine, a \$200 restitution fine suspended unless parole is revoked, a \$40 court security fee, and a \$30 court facilities assessment.<sup>1</sup> Defendant obtained a certificate of probable cause.

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. 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.

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<sup>1</sup> The relevant 2010 amendment to Penal Code section 2933 does not entitle defendant to additional conduct credit because he has a prior conviction for a serious felony. (Former Penal Code § 2933, subd. (e)(3) [as amended by Stats. 2010, ch. 426, § 1, eff. Sept. 28, 2010].)

DISPOSITION

The judgment is affirmed.

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ROBIE \_\_\_\_\_, J.

We concur:

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BLEASE \_\_\_\_\_, Acting P. J.

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DUARTE \_\_\_\_\_, J.