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NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE, Plaintiff and Respondent, v. EDWARD ANTHONY TORRES, Defendant and Appellant.	C069631 (Super. Ct. No. CM034297)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Having reviewed the record as required by *People v. Wende*, we affirm the judgment. We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

Defendant Edward Anthony Torres was incarcerated in Butte County Jail. He placed Correctional Officer Moffitt in a choke hold, Moffitt's knee hit the ground and was injured. Defendant pleaded no contest to a felony battery upon an officer. (Pen.

Code, § 243, subd. (c); undesignated statutory references are to the Penal Code.) In a separate case, defendant pleaded no contest to a misdemeanor battery. (§ 243, subd. (e)(1).) Defendant was also found in violation of his probation in a third case. The court denied probation and sentenced defendant to the upper term of three years. The court imposed a restitution fund fine of $600 (§ 1202.4, subd. (b)), a security surcharge of $80 (§ 1465.8), a conviction assessment fee of $60 (Gov. Code, § 70373), a public defender fee of $420 (§ 987.8) and a presentence investigation report fee of $736. He was awarded presentence custody credits of 406 days.

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

DISPOSITION

The judgment is affirmed.

HULL, Acting P. J.

We concur:

MAURO, J.

HOCH, J.