

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONARD ALLEN SMITH,

Defendant and Appellant.

C070346

(Super. Ct. No.
NCR80823)

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.)

In December 2010, defendant Leonard Allen Smith took panels and fasteners for a dog kennel from a property in Tehama County. Later, officers found defendant's truck, broken down on the side of the road. Upon investigation, officers learned the property

in the truck had been stolen. The property, valued at \$575, was returned to the owner.

Defendant pleaded guilty to receiving stolen property (Pen. Code, § 496, subd. (a); undesignated statutory references are to the Penal Code) and admitted he had served two prior prison terms. He was sentenced to an aggregate term of five years in prison. Execution of the sentence was suspended and defendant was granted probation.

Approximately six months after the grant of probation, a petition for revocation of probation was filed. Defendant admitted he had violated probation by not reporting regularly to the probation officer, failing to participate in drug testing and failing to complete drug counseling. The court revoked probation and executed the previously imposed five-year sentence. The court also imposed a \$400 restitution fund fine (§ 1202.4, subd. (b)), a \$400 probation revocation fine (§ 1202.44), a \$30 court security fee (§ 1465.8) and a \$30 conviction assessment (Gov. Code, § 70373). Defendant was granted a total of 264 days of presentence custody credits.

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.