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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

THOMAS ARDELL HILL,

Defendant and Appellant.

C070563

(Super. Ct. No. SF118617A)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

Defendant Thomas Ardell Hill and Tessa C. started dating in June 2010. In December 2010 they became engaged. In August 2011 defendant started using drugs. They went to defendant's parole officer, seeking his placement in rehabilitation. Defendant did not go to his rehabilitation class. On August 30, 2011, he was ordered into custody for violating parole and Tessa ended their relationship. Three weeks later, defendant was released from custody. He called Tessa at least 20 times a day, every day for several days, leaving obscene messages, calling her offensive names, and threatening

her and her son. She told him several times to stop calling. On September 25, 2011, she called the police when the calls did not stop and she started to fear for her life. Someone banged on her doors, and defendant admitted to her that it had been he. On September 26, 2011, defendant drove toward her as she was driving her car out of the driveway. She continued on her way, and he pulled up to her and shouted that she was “ ‘going to pay for sending [him] to jail.’ ” She felt scared. When she drove to the police station, he drove away. On another occasion when she arrived home in the evening, defendant’s car was parked nearby. She drove away from her home and called the police. Defendant left her a message, saying he had been visiting a neighbor. One Sunday morning in early October 2011, defendant was standing in her backyard. She called the police.

Defendant was convicted of first degree burglary in 2007 in San Joaquin County.

Defendant entered a negotiated no contest plea to stalking between September 20, 2011, and October 10, 2011 (Pen. Code, § 646.9, subd. (a)), and admitted a strike prior (the 2007 first degree burglary; Pen. Code, §§ 667, subds. (b)-(i), 1170.12) in exchange for a stipulated four-year term. The remaining counts (counts 2 and 3, criminal threats) and allegations (another strike prior, a 1991 robbery; two prior felony convictions; and two prior prison terms) were dismissed on the People’s motion.

The court sentenced defendant to state prison for the stipulated term of four years, that is, the midterm of two years, doubled for the strike prior. The court awarded 196 days of presentence custody credit; ordered defendant to pay a \$200 restitution fine and a \$200 parole revocation restitution fine, the latter stayed pending successful completion of parole: and issued a criminal protective order that expires in January 2022. (Pen. Code, § 646.9, subd. (k).)

Defendant appeals. The trial court granted defendant’s request for a certificate of probable cause (Pen. Code, § 1237.5) but denied his request to recall the sentence.

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. (*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 that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____ RAYE _____, P. J.

We concur:

_____ BLEASE _____, J.

_____ BUTZ _____, J.