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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
MIGUEL MUNOZ,  
  
Defendant and Appellant.

C070905

(Super. Ct. No.  
CR115252)

Appointed counsel for defendant Miguel Munoz asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

On November 20, 2011, defendant's ex-girlfriend Ruby L. was cleaning out her apartment when defendant appeared outside the

bathroom window. Defendant began banging on the window and threatened to "kick [Ruby's] ass." Defendant continued banging on the window until he broke it, cutting his hand.

Defendant then moved to the front door, where he pounded on the door and continued to threaten Ruby: "Open the door bitch, I am going to fuck you up." Eventually, defendant left to seek treatment for his badly injured hand. Soon thereafter, Ruby left the apartment and met her friend Lalo R.

As Ruby and Lalo were walking away from the apartment, defendant appeared and resumed his threats: "I am going to fuck you up bitch . . . you stupid ass whore." Lalo intervened, punching defendant in the face twice. Defendant fell to his knees, Lalo and Ruby walked away.

Defendant was subsequently arrested and charged with making criminal threats (Pen. Code, § 422; unspecified section references that follow are to this code) and misdemeanor vandalism (§ 594, subds. (a), (b)(2)(A)). It was further alleged that defendant served two prior prison terms and failed to remain free of custody for five years. (§ 667.5, subd. (b)). The complaint was later amended to include a charge of felony vandalism. (§ 594, subds. (a), (b)(1).)

Defendant pleaded no contest to felony vandalism. Defendant also admitted to serving a prior prison term and failing to remain free of custody for five years. In exchange for his plea, the People agreed to an aggregate term of four years in custody with a split sentence: two years in county jail and two years under mandatory community supervision. The

People further agreed the remaining charges and allegations would be dismissed.

Defendant was sentenced according to his plea. Defendant was ordered to pay various fines and fees and was awarded 176 days of custody credit. The court also terminated defendant's probation as "unsuccessfully completed" in misdemeanor case Nos. "10-4069" and "10-421." Defendant was sentenced to concurrent jail time in each of those cases and ordered to pay the relevant fines and fees.

Defendant appeals without a certificate of probable cause.

## II

Appointed counsel filed an opening brief setting forth the facts of the case and asking 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 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.

\_\_\_\_\_ HULL \_\_\_\_\_, Acting P. J.

We concur:

\_\_\_\_\_ BUTZ \_\_\_\_\_, J.

\_\_\_\_\_ MURRAY \_\_\_\_\_, J.