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NOT TO BE PUBLISHED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

(Yolo)

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| THE PEOPLE,<br><br>Plaintiff and Respondent,<br><br>v.<br><br>BRETTFORD TYLER SPARKS,<br><br>Defendant and Appellant. | C071034<br><br>(Super. Ct. No. CRF090094) |

Appointed counsel for defendant Brettford Tyler Sparks has asked this court to review the record to determine whether there exist any arguable issues on appeal after remand for recalculation of the restitution amount. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We find no error and shall affirm the restitution order.

## BACKGROUND

*Defendant's Previous Appeal*

In *People v. Brettford Tyler Sparks* (July 1, 2011, C065134) [nonpub. opn.], defendant appealed after the trial court imposed victim restitution based on defendant's passing 67 insufficient funds checks to several stores, resulting in a total loss of $5,563.19. Because defendant was convicted, inter alia, of only seven counts of

possessing a completed document with intent to defraud, sentenced to state prison, and did not enter into a *Harvey* waiver,[1] we determined that the restitution order based on 67 checks was unauthorized. We reversed the restitution order and remanded with directions "to enter a new victim restitution amount limited to the amount of seven insufficient funds checks the defendant passed and a corresponding bank fee of $25 for each of the seven checks."

*Subsequent Proceedings*

On remand, the trial court imposed victim restitution in the amount of $493.60 ($318.60 for the seven insufficient funds checks and $175 for the corresponding bank fee).

Defendant appeals. The trial court granted defendant's request for a certificate of probable cause (Pen. Code, § 1237.5).

**DISCUSSION**

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.

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[1] *People v. Harvey* (1979) 25 Cal.3d 754.

## DISPOSITION

The restitution order is affirmed.

DUARTE, J.

We concur:

NICHOLSON, Acting P. J.

ROBIE, J.