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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

SALVADOR RAMIREZ RODRIGUEZ, JR.,

Defendant and Appellant.

C071686

(Super. Ct. No. CRF11-5840)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required by *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.)

By an information filed February 7, 2012, defendant Salvador Ramirez Rodriguez, Jr., was accused of assault with a deadly weapon, a knife (count 1—Pen. Code, § 245,

subd. (a)(1)),¹ making a criminal threat (count 2—§ 422), and misdemeanor battery against a person with a dating relationship (count 3—§ 243, subd. (e)(1)); all offenses occurring on or about December 26, 2011. It was also alleged that defendant had two prior strikes (§ 667, subd. (e)(2)), a prior serious felony conviction (§ 667, subd. (a)(1), and three prior prison terms (§ 667.5, subd. (b)).

The information was subsequently amended to add count 4, infliction of corporal injury on a cohabitant (§ 273.5, subd. (a)), and to strike one of the strike priors.

Pursuant to a plea agreement, defendant pleaded no contest to counts 1, 2, and 4, and admitted one prior strike, the prior serious felony, and the three prior prison terms, with count 3 dismissed. In return, he was promised a total state prison term of 18 years four months, consisting of four years (the upper term) on count 1, doubled for the strike; 8 months (the midterm) consecutive on count 2, doubled for the strike; one year (the midterm) consecutive on count 4, doubled for the strike; five years for the prior serious felony enhancement; and two years for the prior prison terms (with the third prior prison term stayed pursuant to section 654).

According to the preliminary hearing transcript, which provided the factual basis for defendant's plea, on December 26, 2011, defendant was yelling at a woman in the parking lot of an apartment complex across the street from the apartment of Christopher Cochran. Cochran heard banging sounds, as if someone was getting pushed up against something; he turned to see defendant shoving the woman back through the parking lot. When Cochran crossed the street to intervene, defendant pulled a knife with a folding blade out of his pocket, opened the blade, threatened to kill Cochran, then lunged at him and came within a couple of inches of his chest. The female victim, who was defendant's cohabitant, said defendant had "kick[ed] [her] ass."

¹ Undesignated statutory references are to the Penal Code.

The trial court thereafter sentenced defendant to the stipulated term. The court awarded defendant 338 days of presentence custody credit (169 actual days and 169 conduct days). (Pen. Code, § 4019.) The court imposed a \$240 restitution fine (*id.*, § 1202.4, subd. (b)) and a suspended \$240 restitution fine (*id.*, § 1202.45), a \$90 court construction fee (Gov. Code, § 70373), and a \$120 court security fee (Pen. Code, § 1465.8).

Defendant appeals. 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 have elapsed, and we have 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.

We must remand the matter for correction of the abstract of judgment, however. Although the trial court correctly imposed a court construction fee of \$30 and a court security fee of \$40 for each of the three counts on which defendant was convicted, the abstract erroneously gives the total amounts of those fees as \$30 and \$40, respectively. The trial court is directed to prepare a corrected abstract showing the proper amounts of those fees and to forward a certified copy thereof to the Department of Corrections and Rehabilitation.

DISPOSITION

The judgment is affirmed. The matter is remanded for correction of the abstract of judgment as indicated above.

BUTZ, J.

We concur:

ROBIE, Acting P. J.

DUARTE, J.