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NOT TO BE PUBLISHED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

(Sacramento)

THE PEOPLE, Plaintiff and Respondent, v. ALEXIS CHANTEL GATES, Defendant and Appellant.	C072139 (Super. Ct. Nos. 12F02770 & 12F04219)

Appointed counsel for defendant Alexis Chantel Gates asked this court to review the record and 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

Defendant entered Chase Bank in Elk Grove and attempted to cash a check in the amount of $2,200 from MetLife Insurance company. The bank manager learned the check was fraudulent and called the police.

In case No. 12F02770, defendant entered a plea of no contest to second degree burglary (Pen. Code, § 459) and possession of a check with intent to defraud (Pen. Code, § 475, subd. (c)). Pursuant to the plea agreement, the trial court sentenced defendant to the stipulated term of two years eight months (the midterm of two years for the burglary and a consecutive one-third the midterm or eight months for the check-fraud offense), to be served in county jail pursuant to section 1170, subdivision (h); dismissed the remaining counts; and also dismissed case No. 12F04219 with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754.

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

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.

MAURO, J.

We concur:

HULL, Acting P. J.

MURRAY, J.