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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

LAYLA DREW BOND,

Defendant and Appellant.

C072894

(Super. Ct. No. CM035640)

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.)

FACTUAL AND PROCEDURAL BACKGROUND

On July 17, 2012, defendant Layla Drew Bond pleaded guilty to one count of felony child abuse (Pen. Code, § 273a, subd. (a)) in exchange for the dismissal of two drug-related counts and two other cases. Pending sentencing, the court permitted defendant to reside at Skyway House, a drug treatment facility, conditioned upon various restrictions.

On November 27, 2012, defendant appeared for sentencing. After noting that defendant had four prior felony convictions and that the nature and circumstances of the offense were such that probation should not be granted, the court sentenced defendant to state prison for the middle term of four years. The court awarded defendant 57 days of presentence custody;¹ imposed restitution fines of \$240 in accordance with Penal Code sections 1202.4 and 1202.45; and imposed various fines and fees as set forth in the abstract of judgment.

Factual Basis for Plea²

On December 12, 2011, Oroville police officers went to a residence to arrest Angela Ballez, who was a suspect in a burglary. While standing at the door, the officers could see into the residence. The officers knocked on the door and saw Ballez walk into the living room and then into the rear of the residence. The officers knocked again and saw defendant “low crawling” toward the front door. Defendant’s four-year-old daughter was walking toward the front door and the officers heard defendant tell her to “get away from the door.” After officers knocked several more times, defendant answered the door. The officers told defendant they needed to come inside and “retrieve” Ballez. Defendant claimed Ballez was not there, and the officers told her they had just seen Ballez. Defendant told them to get a warrant and slammed the door shut. The officers forced entry and took Ballez into custody and arrested defendant for obstruction.

In the residence, the officers found several syringes and a used methamphetamine pipe in a purse. On top of a refrigerator, in plain view, was marijuana. On a bed in the master bedroom the officers found more marijuana and another used methamphetamine

¹ Defendant had previously waived credits for time spent in Skyway House and Tri-Counties Treatment.

² Defendant stipulated that the probation report could be used as the factual basis for the plea.

pipe. Some of defendant's daughter's clothes were near the marijuana and the pipe. Methamphetamine was found in a bag in front of the bed. An empty rum bottle was at the foot of the bed, and a bottle of whiskey, which had been partially consumed, was in the bathroom. In a closet was an open trash bag containing several bags of marijuana. All of these items were accessible to defendant's daughter.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests that this court review the record and determine whether it reflects any arguable issue 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. We have reviewed the record in its entirety and find no error that might have resulted in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

MURRAY, J.

We concur:

NICHOLSON, Acting P. J.

HULL, J.