

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Trinity)

----

THE PEOPLE,

Plaintiff and Respondent,

v.

DOVIE DEWDROP LEEN,

Defendant and Appellant.

C073535

(Super. Ct. No. 11F0207A)

In November 2011, defendant Dovie Dewdrop Leen threatened to commit a crime that would result in death or great bodily injury. He intended that his statement be taken as a threat, and the victim feared for his safety or the safety of his family. Because the matter was resolved by plea and defendant waived referral to the probation department, our statement of facts is taken from the amended information.

Defendant pleaded guilty to criminal threats (Pen. Code, § 422) and admitted two prior serious or violent felony convictions (Pen. Code, §§ 667, subs. (b)-(i), 1170.12). In exchange, two related counts and several allegations were dismissed. A great bodily

injury allegation was dismissed with a *Harvey* waiver for restitution. (*People v. Harvey* (1979) 25 Cal.3d 754.)

Defendant was sentenced to prison for a stipulated term of 25 years to life, awarded 469 days' custody credit and 469 days' conduct credit, and ordered to pay a \$6,000 restitution fine (Pen. Code, § 1202.4), a \$6,000 restitution fine suspended unless parole is revoked (Pen. Code, § 1202.45), a \$40 court operations fee (Pen. Code, § 1465.8, subd. (a)(1)), and a \$30 court facilities assessment (Gov. Code, § 70373).

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. (*People v. Wende* (1979) 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.

DISPOSITION

The judgment is affirmed.

\_\_\_\_\_ HULL \_\_\_\_\_, J.

We concur:

\_\_\_\_\_ BLEASE \_\_\_\_\_, Acting P. J.

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