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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Amador)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES EDWARD MARION,

Defendant and Appellant.

C073689

(Super. Ct. No. 12CR19473)

This appeal comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

In September 2012, by plea agreement, defendant pleaded guilty to felony vandalism (Pen. Code, § 594, subd. (a))<sup>1</sup> and reckless driving (Veh. Code, § 23103), in

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<sup>1</sup> Undesignated section references are to the Penal Code.

return for a guarantee of five years of probation, including 180 days in county jail and a three-year sentencing lid if defendant violated probation. The factual basis for the plea was as follows: On the afternoon of September 9, 2010, defendant, driving a Chevrolet Blazer on State Route 88 in Amador County, forced the victim's car (a Mazda Miata) into westbound lanes against traffic; then defendant dropped back, got behind the victim's car, and moved to its right, again trying to force the victim into the opposing lane; then defendant got behind the victim's car, went on the opposing lane side of the car, drove in front of it, and came into the victim's lane, striking the front of the car and causing damages in excess of \$400.

In October 2012, the trial court placed defendant on formal probation for five years, including 180 days in jail. The court imposed a \$240 restitution fine (§ 1202.4) and a suspended probation revocation restitution fine in the same amount (§ 12022.44), a \$80 court security fee (§ 1465.8), and a \$60 criminal conviction assessment (Gov. Code, § 70373, subd. (a)(1)). After a hearing on victim restitution, the court awarded restitution in the amount of \$4,598.26.

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.

DISPOSITION

The judgment is affirmed.

NICHOLSON, J.

We concur:

BLEASE, Acting P. J.

DUARTE, J.