

**NOT TO BE PUBLISHED**

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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)**

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THE PEOPLE,

Plaintiff and Respondent,

v.

ALBERT GILBERT SOTELO,

Defendant and Appellant.

C074123

(Super. Ct. No. 13F01087)

Defendant Albert Gilbert Sotelo pleaded no contest to infliction of corporal injury resulting in a traumatic condition on the victim, a felony, and was placed on five years of formal probation with various conditions. Defendant's ensuing appeal is subject to the principles of *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *People v. Kelly* (2006) 40 Cal.4th 106, 110. In accordance with the latter, we will provide a summary of the offenses and the proceedings in the trial court.

On September 12, 2013, defendant approached the victim, the mother of his child, while she was holding the child and tried to take the child away from her. Defendant pushed the victim against a car, using his forearm against her neck to choke her. Defendant then pushed the victim to the ground. The victim landed on her back while still holding her child. The victim suffered pain in her back, abrasions on her knee, and red marks on her neck. When another individual, R.C., tried to intervene, defendant punched her in the face.

Defendant entered a plea of no contest to infliction of corporal injury resulting in a traumatic condition on the victim as a felony (Pen. Code, § 273.5, subd. (a)<sup>1</sup>—count one) in exchange for dismissal of the remaining counts [child abuse, a misdemeanor (§ 273a, subd. (b)—count two) and battery upon R.C., a misdemeanor (§ 242—count three)] with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754 for purposes of restitution and no contact orders. The court suspended imposition of sentence and granted probation for a term of five years subject to certain terms and conditions including 210 days in county jail with 30 days in custody and the remainder under a work release program if eligible.

Defendant appeals. The court granted defendant's request for a certificate of probable cause. (§ 1237.5.)

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

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

of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

**DISPOSITION**

The judgment is affirmed.

BUTZ, J.

We concur:

BLEASE, Acting P. J.

HOCH, J.