

NOT TO BE PUBLISHED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.

QUARAN KEITH DIXON,

Defendant and Appellant.

C074328

(Super. Ct. No. 12F07872)

Appointed counsel for defendant Quaran Keith Dixon has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Finding no errors, we shall affirm the judgment.

BACKGROUND

In November, 2012, victim Betty Rhinehart, 84 years old, was gardening when she encountered defendant in her garage. He held her at gunpoint and demanded money. When she refused, he pushed her to the floor, hit and kicked her, and put the gun in her

mouth. He took her inside the house, ripped out the alarm, put her in a closet, and stole property, including jewelry. Five days later, the sheriff's department responded to a call of a prowler at another home and caught defendant when he ran. Near where he was caught, officers found a .38-caliber revolver and clothing. Defendant was on juvenile searchable probation. A search of his home revealed several pieces of Rhinehart's jewelry.

Pursuant to a plea agreement, defendant pleaded guilty to first degree robbery (Pen. Code, § 211)¹ and admitted he had personally used a firearm in the commission of the robbery (§ 12022.53, subd. (b)). The remaining counts and enhancements, as well as his pending juvenile case, were dismissed. Prior to sentencing, defendant moved to withdraw his plea and the trial court denied the motion. The trial court then sentenced defendant to the negotiated term of four years on the robbery and 10 years for the personal use gun enhancement. The trial court awarded defendant 208 days of presentence custody credits, and ordered defendant to pay \$391 in restitution as well as various fines and fees. Defendant did not obtain a certificate of probable cause.

DISCUSSION

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

¹ Further undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

DUARTE, J.

We concur:

BLEASE, Acting P. J.

ROBIE, J.