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NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(El Dorado)

THE PEOPLE, Plaintiff and Respondent, v. RALPH EUGENE DUMONT, Defendant and Appellant.	C074937 (Super. Ct. No. P12CRF0264)

Counsel for defendant Ralph Eugene Dumont has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal.[1] (*People v. Wende* (1979) 25 Cal.3d 436.)

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[1] 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.

Finding no arguable error that would result in a disposition more favorable to defendant, 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.)

At approximately 12:30 a.m. on May 9, 2012, officers were dispatched to defendant's residence in response to a disturbance call. Defendant had been intoxicated, yelling and screaming, and threatening to "slit [his wife's] throat and kill her." Defendant was charged with making criminal threats and it was alleged he served a prior prison term. (Pen. Code, §§ 422, 667.5.)

On June 11, 2012, defendant pled no contest to making criminal threats and was placed on probation on the condition, inter alia, that he obey all laws. The trial court ordered defendant pay various fines and fees totaling $1,020.

On November 5, 2012, a petition for revocation of probation was filed, alleging defendant had committed domestic violence in violation of Penal Code section 243, subdivision (e)(1). However, on July 25, 2013, the trial court found defendant in violation of probation based upon his convictions, in El Dorado County case No. P12CRF0251, for driving under the influence.

On October 4, 2013, the trial court sentenced defendant to eight months (one-third the midterm) for making criminal threats, to run consecutively to the nine-year term previously imposed in El Dorado County case No. P12CRF0251, for an aggregate term of nine years eight months. The trial court ordered defendant pay the previously imposed fines in the sum of $1,020, plus a civil assessment and a failure to pay for a total of $1,327. It also ordered defendant pay a $460 probation report fee. Defendant was awarded 120 days of presentence custody credit.

Defendant appeals. His request for a certificate of probable cause was denied. (Pen. Code, § 1237.5.)

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.

ROBIE, J.

We concur:

BLEASE, Acting P. J.

DUARTE, J.