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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD FRANKLIN SALES, JR.,

Defendant and Appellant.

C078047

(Super. Ct. No. 62130387)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required by *Wende*, 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.)

FACTUAL AND PROCEDURAL BACKGROUND

Defendant was charged by criminal complaint with carjacking (Pen. Code, § 215, subd. (a)),¹ kidnapping (§ 207, subd. (a)), unlawful driving or taking of a vehicle without consent (Veh. Code, § 10851, subd. (a)), and endangering a child under circumstances or conditions other than those likely to produce great bodily harm or death (§ 273a, subd. (b)). The complaint also alleged that, during the time of the charged offenses, defendant was released from custody on bail or on his own recognizance in case No. 62129564 and “DA log no. 14-03-081266.” (§ 12022.1.)

Defendant entered a plea of no contest in case No. 62130387 to the carjacking charge, and pleaded no contest in case No. 62130343 to identity theft in violation of section 530.5, subdivision (a), in exchange for a stipulated sentence of three years eight months in state prison. The factual basis to substantiate the plea is as follows:

Case No. 62130387: On April 28, 2014, defendant took a vehicle from the victim, J.B., using force or fear and drove off in that vehicle.

Case No. 62130343: On March 22, 2014, defendant used the personal identifying information of the victim, A.B., by using A.B.’s credit card.

Defendant also entered a plea of no contest in case No. 62129564 to driving under the influence of drugs, a misdemeanor, in violation of Vehicle Code section 23152, subdivision (e). The parties stipulated to a factual basis for the plea.

The trial court denied probation and sentenced defendant to an aggregate sentence of three years eight months in state prison calculated as follows: In case No. 62130387, three years (the low term) as stipulated; in case No. 62130343, a consecutive term of eight months (one-third the middle term) as stipulated; and in case No. 62129564, 180

¹ Undesignated statutory references are to the Penal Code in effect at the time of the charged offenses.

days in county jail to be served concurrently. On the People's motion, the court dismissed all remaining charges and allegations in the interest of justice.

In case No. 62130387, the court imposed a \$300 restitution fine (§ 1202.4), a \$300 parole revocation fine, stayed pending successful completion of parole (§ 1202.45), a \$30 criminal conviction assessment (Gov. Code, § 70373), and a \$40 court operations fee (§ 1465.8), and awarded defendant 57 days of presentence custody credit (50 days of actual custody plus 7 days of conduct credit).

In case No. 62130343, the court imposed a \$300 restitution fine (§ 1202.4), a \$300 parole revocation fine, stayed pending successful completion of parole (§ 1202.45), a \$30 criminal conviction assessment (Gov. Code, § 70373), and a \$40 court operations fee (§ 1465.8), and awarded defendant one day of presentence custody credit.

In case No. 62129564, the court stayed fees and fines and awarded defendant four days of presentence custody credit (two days of actual custody plus two days of conduct credit).

Defendant filed a timely notice of appeal. The court granted his request for a certificate of probable cause. (§ 1237.5.)

Counsel filed an opening brief that sets forth the facts of the case and requests that we 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.

WENDE REVIEW

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.

MURRAY, J.

We concur:

HULL, Acting P. J.

DUARTE, J.