

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT

(Yuba)

----

THE PEOPLE,

Plaintiff and Respondent,

v.

GLENNA NORRENE SPRAGUE,

Defendant and Appellant.

C081666

(Super. Ct. No. CR-F-16-  
0000028)

Appointed counsel for defendant Glenna Norrene Sprague 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.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

## **BACKGROUND**

On January 15, 2016, defendant, who was on probation in an unrelated misdemeanor case, entered an uninhabited building located at 5925 Garden Avenue in the County of Yuba with the intent to commit theft therein. She was charged by criminal complaint with second degree burglary. (Pen. Code, § 459.)<sup>1</sup>

On January 27, 2016, defendant entered a negotiated plea of no contest to the burglary charge in exchange for a two-year (middle term) sentencing lid. The parties stipulated to a factual basis for the plea. Defendant also stipulated that her plea placed her in violation of probation in her misdemeanor case, and the court terminated that probation as unsuccessful.

The trial court denied probation and sentenced defendant to two years in county jail with no period of parole to follow. The court awarded defendant 104 days of presentence custody credit (52 actual days plus 52 conduct), imposed a \$300 restitution fine (§ 1202.4, subd. (b)), a \$40 court security fee (§ 1465.8), and a \$30 criminal conviction assessment (Gov. Code, § 70373), and reserved jurisdiction on the issue of victim restitution.

Defendant filed a timely notice of appeal.

## **DISCUSSION**

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. (*People v. 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.

---

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

