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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GUERRA JARDINES,

Defendant and Appellant.

D060506

(Super. Ct. No. SCD223946)

APPEAL from a judgment of the Superior Court of San Diego County, Ana L. Espana, Judge. Affirmed.

In January 2010, Guerra Jardines entered a guilty plea to domestic violence (Pen. Code,¹ § 273.5, subd. (a)) and admitted a prior conviction pursuant to section 273.5, subdivision (e)(1). Jardines was granted probation on various conditions including a protective order issued by the court for the victim Jamie C.

¹ All further statutory references are to the Penal Code unless otherwise specified.

In February 2011, Jardines entered a guilty plea to criminal threats (§ 422) in case no. SCD229602 also involving the victim, Jamie C. In March 2011, Jardines was again granted probation in the present case and in case no. SCD229602.

In July 2011, Jardines was arrested for violation of probation. Following an evidentiary hearing his probation was formally revoked and he was sentenced to a five-year term in prison for the offense in this case with a consecutive eight-month sentence for case no. SCD229602.

Jardines filed a timely notice of appeal.

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) raising possible, but not arguable issues. We offered Jardines the opportunity to file a brief on his own behalf. Jardines has not responded.

STATEMENT OF FACTS

In July 2006, Jardines pleaded guilty to one count of domestic violence (§ 273.5, subd. (a)) in case no. SCD199881. The victim, Jamie C. is the same victim in the other cases discussed in this opinion. Jardines was sentenced to prison for two years with proceedings suspended pursuant to Welfare and Institutions Code section 3051. He was discharged from parole in January 2010.

On January 15, 2010, Jardines pleaded guilty to a violation of section 273.5, subdivision (a), in this case. He was granted probation subject to a term of custody and other conditions.

In September 2010, Jardines was arrested for various offenses, including a violation of section 422. Thereafter, his probation in this case was revoked.

In February 2011, Jardines pleaded guilty to a felony violation of section 422 in case no. 229602. He was again placed on probation and his probation in this case was reinstated.

In July 2011, Jardines was again arrested for a probation violation in connection with his continued contact with Jamie C.

At the evidentiary hearing on his probation violation Jardines denied the probation violation and denied ever hitting or threatening Jamie C., even though he had previously pleaded guilty to domestic violence based crimes involving the victim.

The court found Jardines violated the terms of his probation and revoked probation in the current case and in case no. SCD229602.

DISCUSSION

As we have previously noted, appellate counsel has filed a brief indicating he is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies possible, but not arguable issues:

1. Whether Jardines was properly found to have violated his probation; and
2. Whether the court abused its discretion in imposing a prison sentence.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. Competent counsel has represented Jardines on appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

McDONALD, J.

AARON, J.