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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

DONNATHAN ROTHCHILD,

Defendant and Appellant.

E054362

(Super.Ct.No. FSB1002712)

OPINION

APPEAL from the Superior Court of San Bernardino County. Annemarie G. Pace, Judge. Affirmed.

David R. Greifinger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

## INTRODUCTION

On August 2, 2010, an information charged defendant and appellant Donnathan Rothchild with first degree residential burglary under Penal Code<sup>1</sup> section 459 (count 1); and receiving stolen property under section 496, subdivision (a) (count 2). The information also alleged that defendant committed the burglary for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further, or assist in criminal conduct by gang members under section 186.22, subdivision (b)(1)(B).

On December 9, 2010, defendant entered a plea agreement wherein he pled guilty to the burglary charge, and admitted that he committed the burglary to benefit a criminal street gang and was a gang member. Under the terms of the agreement, on February 7, 2011, the trial court sentenced defendant to 11 years in prison, suspended pending successful completion of five years probation. The court calculated the sentence by adding five years for the gang enhancement to the upper term of six years for the burglary. Probation condition 13 prohibited defendant from associating with persons known to him to be convicted felons or anyone actively engaged in criminal activity. Probation condition 14 prohibited defendant from associating with persons known to him to be gang members.

On July 8, 2011, the court held a hearing under *People v. Vickers* (1972) 8 Cal.3d 451. It found that defendant had violated probation conditions 13 and 14. The court then

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise specified.

imposed the 11-year sentence. On August 24, 2011, defendant filed a notice of appeal, and an amended notice of appeal on September 1, 2011.

### **STATEMENT OF FACTS**

On April 21, 2011, San Bernardino police officer Dan Ireland conducted a traffic stop on a vehicle occupied by defendant, Terry Richardson, and Tiashia Barron.

Defendant was on probation.

Another officer at the scene, Jason Stack, determined that Richardson, defendant's cousin, was on parole and a gang member. A probation officer, Javier Valdivia, determined that the other passenger, Barron, was on active felony probation. When Officer Valdivia spoke to defendant about the incident, defendant admitted that he knew Richardson was on parole and a gang member.

### **ANALYSIS**

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

**DISPOSITION**

The judgment is affirmed.

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MCKINSTER  
Acting P.J.

We concur:

RICHLI  
J.

MILLER  
J.