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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.

CAMILA DIAZ,

Defendant and Appellant.

E056515

(Super.Ct.No. INF1102700)

OPINION

APPEAL from the Superior Court of Riverside County. Victoria E. Cameron,
Judge. Affirmed.

Jan B. Norman, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

On January 31, 2012, an information alleged that defendant and appellant Camila
Diaz committed the crime of unlawfully driving, taking, buying and receiving a vehicle

that had been obtained by theft under Penal Code section 666.5, while defendant had sustained a previous conviction for unlawfully taking a vehicle under Vehicle Code section 10851, subdivision (a), and grand theft involving a vehicle under Penal Code section 487, subdivision (3) (count 2).¹ The information also alleged a prior strike offense under Penal Code section 211, within the meaning of Penal Code sections 667, subdivisions (c) and (e)(1) and 1170.12, subdivision (c)(1). The information further alleged that defendant had served a prior prison commitment within the meaning of Penal Code section 667.5, subdivision (b).

On May 9, 2012, defendant filed a motion under *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, to dismiss her prior strike under Penal Code section 1385. The court denied the motion.

On June 1, 2012, defendant entered into a plea agreement. She pled guilty to the charge of violating Penal Code section 666.5, subdivision (a) (count 2) and admitted the prior strike allegation. Defendant waived her right to appeal.

On the same day, the court sentenced defendant to prison for four years (the low term of two years, doubled by the prior strike). The court also imposed a restitution fine of \$240, a \$30 conviction fee, a \$40 court security fee, and a \$1,200 victim restitution fee. The court awarded presentence custody credit of 144 days. The prosecution's motion to strike the prior prison commitment allegation was granted.

¹ The information also alleged, as to defendant's codefendant Vicky Lynn Benitez only, a violation of Vehicle Code section 10861, subdivision (a) (count 1).

On June 18, 2012, defendant filed a timely notice of appeal challenging the sentence or other matters occurring after the plea. Defendant did not file a request for certificate of probable cause.

STATEMENT OF FACTS²

On November 18, 2011, a black Lexus was stolen from the parking lot at the Agua Caliente Casino. The casino security surveillance record revealed that defendant and her codefendant entered the vehicle with defendant in the driver's seat and her codefendant in the passenger's seat. The Lexus was driven out of the parking structure by defendant.

Later that same day, defendant and her codefendant were located by police officers and detained. After receiving their rights under *Miranda v. Arizona* (1966) 384 U.S. 436, defendant and her codefendant admitted unlawfully taking the black Lexus from the parking lot.

ANALYSIS

After defendant appealed, and upon her request, this court appointed counsel to represent her. 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.

² Defendant pled guilty prior to trial and there is no probation report. The parties stipulated to the preliminary hearing as the factual basis. There is no transcript of the preliminary hearing on appeal. Therefore, like defendant, we shall prepare the summary based on the statement of facts in the prosecution's opposition to defendant's motion to strike her prior.

We offered defendant an opportunity to file a personal supplemental brief in both cases, but she 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:

MILLER
J.

CODRINGTON
J.