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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.

HOWARD MAYO,

Defendant and Appellant.

E057858

(Super.Ct.No. FBA1200727)

OPINION

APPEAL from the Superior Court of San Bernardino County. Victor R. Stull,
Judge. Affirmed.

Patrick J. Hennessey, Jr., under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

On December 17, 2012, a felony complaint charged defendant and appellant Howard Mayo with petty theft having suffered three prior convictions in violation of Penal Code sections 666, subdivision (a), and 484, subdivision (a) (count 1), and second degree commercial burglary in violation of Penal Code section 459 (count 2). The complaint also alleged four prison priors under Penal Code section 667.5, subdivision (b).

On December 26, 2012, defendant pled guilty to count 2, second degree commercial burglary. The plea agreement provided that defendant would waive a probation report, be immediately sentenced, and receive a stipulated term of three years in county prison, to run concurrent with any other pending matters. The balance of the complaint was to be dismissed, including the four prison priors.

Immediately after defendant's plea, the trial court sentenced defendant to county prison for the term of three years, to run concurrent with any other sentence. The trial court also dismissed count 1 and the four priors were stricken. The trial court gave defendant credit for 14 days of actual custody plus 14 days of section 4019 conduct credits, for a total of 28 days. The trial court ordered defendant to pay a restitution fine of \$264 and a revocation fine of \$264, which was stayed. The trial court also ordered defendant to pay a court operations assessment fee of \$70.

Defendant filed a timely notice of appeal on January 10, 2013. The trial court granted defendant's request for a certificate of probable cause.

STATEMENT OF FACTS

Since defendant pled guilty, the statement of facts is taken from the Barstow Police Department's reports.

On December 13, 2012, officers of the Barstow Police Department were conducting a search for a vehicle that had been reported stolen in the area of the 1300 block of Barstow Road. Officers entered the alleyway behind 1391 Barstow Road. They observed a Black male, later identified as defendant, wearing a bulging jean jacket, walking out from the back of some commercial establishments. When defendant looked in the direction of the officers, he immediately turned and ran southbound. Officers gave chase, caught up with defendant, and ordered him to stop. When Officer Cardenas was approaching defendant, the officer saw defendant attempting to hide several items. These items consisted of dominoes, DVD movies, coffee, candy, and dish soap. Following a brief conversation, defendant admitted that he had taken the items from a nearby dollar store.

Officers contacted the manager of the dollar store. She identified defendant as someone who regularly caused problems inside the store. The manager also identified the stolen items as being from the store. The total value of the items was \$52.78. Defendant admitted to Officer Cardenas that he intended to steal the items when he entered the store.

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
P. J.

We concur:

RAMIREZ
P. J.

CODRINGTON
J.