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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.

DANIEL JOAO COSTA,

Defendant and Appellant.

E060052

(Super.Ct.No. RIF1309969)

OPINION

APPEAL from the Superior Court of Riverside County. Becky L. Dugan, Judge.

Affirmed.

Melanie K. Dorian, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Daniel Costa is serving seven years in prison on his first strike after pleading guilty to using a firearm to rob a man of his iPod. As discussed below, we affirm his conviction.

On September 2, 2013, defendant used a Glock .45-caliber handgun to rob the victim of his iPod.

On September 5, 2013, the People filed a three-count felony complaint alleging defendant committed robbery (Pen. Code, §211),¹ discharged a weapon at an inhabited dwelling, occupied building or occupied motor vehicle (§ 246) and was a felon in possession of a handgun (§ 29800, subd. (a)). As to the robbery and firearm discharge charges, the People alleged defendant personally used a firearm (§12022.53, subd. (b)). The People also alleged defendant had two prior “prison term” offenses (§ 667.5, subd. (b)).

On September 20, 2013, defendant pled guilty to the robbery charge and admitted a firearm enhancement under section 12022.5. The trial court sentenced him forthwith to three years for the robbery plus four years consecutive for the firearm enhancement, and dismissed the other charges and enhancements.

This appeal followed. Defendant did not obtain a certificate of probable cause.

We appointed counsel to represent defendant on appeal. After examination of the record, 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 conduct an independent review of the record.

¹ All section references are to the Penal Code unless otherwise indicated.

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 independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

MILLER
J.