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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.

FERNANDO MIGUEL BRACAMONTE,

Defendant and Appellant.

E061233

(Super.Ct.No. INF1200809)

OPINION

APPEAL from the Superior Court of Riverside County. Graham A. Cribbs, Judge.
(Retired Judge of the Riverside Super. Ct. assigned by the Chief Justice pursuant to
art. VI, § 6 of the Cal. Const.) Affirmed.

Mark D. Johnson, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Fernando Miguel Bracamonte appeals after the trial court revoked his probation and imposed a prison sentence in the case for which he had been placed on probation. We affirm.

FACTS AND PROCEDURAL HISTORY

In May 2012, defendant was charged with two felony counts of corporal injury to a spouse, in violation of Penal Code former section 273.5, subdivision (a). The information also alleged that defendant had one strike prior (Pen. Code, §§ 667, subds. (c), (e)(1), 1170.12, subd.(c)(1)), and four prison term priors (Pen. Code, § 667.5, subd. (b)). The information further alleged that defendant had been convicted of two or more prior felonies for purposes of precluding probation, except in unusual cases (Pen. Code, § 1203, subd. (e)(4)).

In July 2012, defendant pleaded guilty to one count of corporal injury to a spouse, and all the other charges and allegations were dismissed. Defendant was placed on probation.

In 2013, defendant was the subject of three separate misdemeanor complaints. A complaint on April 5, 2013, charged defendant with resisting arrest. (Pen. Code, § 148, subd. (a)(1).) A complaint on April 26, 2013, charged defendant with resisting arrest (Pen. Code, § 148, subd.(a)(1)), possession of burglary tools (Pen. Code, § 466), and possession of drug paraphernalia (Health & Saf. Code, former § 11364.1). On June 28, 2013, a complaint charged defendant with resisting arrest (Pen. Code, § 148, subd.(a)(1))

and possession of burglary tools (Pen. Code, § 466). All three complaints alleged that the new charges constituted violations of defendant's probation.

Evidently, the charges in the three complaints were tried together in May 2013. A jury convicted defendant of two counts of resisting arrest, one count of possession of burglary tools, and one count of possession of drug paraphernalia. Based on these convictions, the trial court found that defendant had violated his probation in the spousal abuse case.

In June 2013, the court in the spousal abuse case imposed a prison sentence of three years.

Trial counsel filed a notice of appeal, mistakenly referencing only the misdemeanor case. Upon petition to this court, we ordered the notice considered a timely notice of appeal in the spousal abuse case. Appellate counsel filed a second notice of appeal.

ANALYSIS

Appellate counsel has filed a brief under authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case and identifying one potential arguable issue on appeal: whether the trial court properly found that defendant had violated the terms of his probation. Counsel has also requested this court to undertake a review of the entire record.

We have 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. Defendant's new misdemeanor convictions constituted violations of the terms of his probation, e.g., that defendant should "violate no law" during the probation period.

DISPOSITION

The judgment is affirmed.

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McKINSTER
Acting P. J.

We concur:

MILLER
J.

CODRINGTON
J.