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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. SALVADOR SIERRA SEGOVIA, Defendant and Appellant.	E061468 (Super.Ct.No. FVI1400763) OPINION

APPEAL from the Superior Court of San Bernardino County. Michael A. Smith, Judge. (Retired judge of the San Bernardino Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

David K. Rankin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Salvador Sierra Segovia was charged by information with first degree burglary. (Pen. Code,[1] § 459, count 1.) It was alleged that another person, other than an accomplice, was present in the residence during the commission of the burglary. (§ 667.5, subd. (c).) Defendant's case was tried by a jury, but a court declared a mistrial after finding the jury deadlocked. After a brief recess, defendant entered a plea agreement and pled guilty to count 1. He also admitted the allegation that there was a person present in the residence during the burglary. The parties stipulated that the evidence presented at the trial provided a factual basis for the plea. Defendant was sentenced immediately. In accordance with the plea agreement, the court sentenced him to four years in state prison and awarded him 111 days of presentence custody credits.

Defendant filed a timely notice of appeal, challenging the validity of the plea, and requested a certificate of probable cause, which the court denied. Defendant filed a second notice of appeal, based on the sentence or other matters occurring after the plea. We affirm.

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[1] All further statutory references will be to the Penal Code, unless otherwise noted.

PROCEDURAL BACKGROUND

Defendant was charged with and admitted that, on or about February 18, 2014, he committed one count of first degree burglary, with a person, other than an accomplice, present in the residence. (§ 459.)

DISCUSSION

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 and a few potential arguable issues: (1) whether his plea agreement was barred by the doctrine of double jeopardy because of the mistrial; (2) whether he was advised of his constitutional rights and the consequences of pleading guilty, and if he waived his rights before pleading guilty; and (3) whether he was sentenced in accordance with the plea agreement. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

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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HOLLENHORST
J.

We concur:

RAMIREZ
P. J.

McKINSTER
J.