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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.

THEODORE RIOS,

Defendant and Appellant.

E062017

(Super.Ct.No. FSB1304641)

OPINION

APPEAL from the Superior Court of San Bernardino County. Kenneth Barr and Steve Malone, Judges.* Affirmed.

Lewis A. Wenzell, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* Judge Kenneth Barr presided over defendant's hearing on his plea. Judge Steve Malone presided over defendant's motion to withdraw his plea.

I

STATEMENT OF THE CASE

On October 24, 2013, a felony complaint charged defendant and appellant Theodore Rios and co-defendant Michael Ramirez with violating Penal Code¹ section 530.5, subdivision (c)(3), willfully and unlawfully acquiring and possessing with an intent to defraud the personal identifying information of 10 or more other persons. The complaint also alleged a gang enhancement under section 186.22, subdivision (b)(1)(A). The complaint further alleged that defendant had suffered a prior strike under sections 1170.12, subdivisions (a) through (d) and 667, subdivision (b); a serious felony prior under section 667, subdivision (a)(1); and a one-year prison prior under section 667.5.

On December 12, 2013, defendant pled guilty to count 1 and admitted the one-year prison prior. The parties agreed that defendant would be sentenced to a total of four years, the upper term of three years on count 1 and one year for the prison prior to be served consecutively, with the remainder of the complaint to be dismissed. The parties stipulated that the police reports could be read and considered as the factual basis for the plea.

On September 4, 2014, the trial court heard and denied defendant's motion to withdraw his plea. On the same day, the court sentenced defendant pursuant to the terms of the plea agreement to four years in state prison.

¹ All statutory references are to the Penal Code unless specified otherwise.

On September 25, 2014, defendant filed a notice of appeal challenging the validity of the plea, and based on the sentence or other matters occurring after the plea. Defendant requested a certificate of probable cause; the trial court denied his request.

II

STATEMENT OF FACTS

On October 23, 2013, a police officer contacted a car driven by defendant. The officer knew defendant was on parole and conducted a parole search. The officer found a bag containing copies of checks, identification cards, and other forms of identification belonging to more than 100 individuals. Subsequently, numerous victims were contacted. They confirmed that the seized items had been stolen.

III

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.

IV
DISPOSITION

The judgment is affirmed.

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McKINSTER
J.

We concur:

RAMIREZ
P. J.

KING
J.