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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.

FEDERICO BOLUSAN,

Defendant and Appellant.

E062708

(Super.Ct.No. FSB1404746)

OPINION

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

Lynelle K. Hee, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a negotiated plea agreement, defendant and appellant Federico Bolusan pled guilty to attempted arson of an inhabited structure or property (Pen. Code,

§§ 664/451, subd. (b)); in return, defendant was sentenced to a stipulated term of four years in state prison. Defendant appeals from the judgment, challenging the sentence or other matters occurring after the plea as well as the validity of the plea. We find no error and affirm.

I

FACTUAL AND PROCEDURAL BACKGROUND¹

On September 24, 2014, defendant was served with eviction papers to evict him from his apartment located on North F Street in the city of San Bernardino.

Approximately 20 minutes later, the manager of the apartment complex and her staff saw defendant walking away from the vacated apartment carrying two duffle bags and then drive away from the apartment complex in a maroon Toyota. They then immediately noticed smoke coming down the hall near the vacated apartment. After investigating the smoke, they realized the smoke was coming from the apartment defendant had vacated and called 911. Because the smoke was increasing, the manager evacuated the building.

At 9:31 a.m., the San Bernardino City Fire Department responded to the scene and extinguished the fire. Fire investigators determined the fire was intentionally set using open flames from the stove and placing couch seat cushions on top of the stove burners. The manager and another witness identified defendant from a photographic lineup as the man they suspected of setting the fire.

¹ The factual background is taken from the police report.

On October 8, 2014, a felony complaint was filed charging defendant with arson of an inhabited structure or property (Pen. Code, § 451, subd. (b)).

On November 4, 2014, the complaint was amended to add attempted arson of an inhabited structure or property (Pen. Code, §§ 664/451, subd. (b)) as a lesser included offense of the charged offense. Defendant thereafter entered into a negotiated plea and pled guilty to the lesser offense in exchange for a stipulated term of four years in state prison. After directly examining defendant, the trial court found that defendant understood his declaration and the plea form; that defendant understood the nature of the charges and the consequences of the plea; that the plea was entered into freely, voluntarily, knowingly, and intelligently; and that there was a factual basis for his plea. Defendant was thereafter immediately sentenced in accordance with his plea agreement.

On January 5, 2015, defendant filed a notice of appeal and request for certificate of probable cause, challenging the sentence or other matters occurring after the plea as well as the validity of the plea. On January 6, 2015, the trial court denied defendant's request for certificate of probable cause.

II

DISCUSSION

After defendant appealed, 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 conduct an independent review of the record.

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

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

McKINSTER

J.

MILLER

J.