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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.

NOEL GEORGES MAYORGA,

Defendant and Appellant.

E065507

(Super.Ct.No. BAF940327)

OPINION

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

Affirmed.

John N. Aquilina, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

On February 3, 1994, a felony complaint charged defendant and appellant Noel Mayorga (defendant) with (1) violating Penal Code section 487, subdivision (a), to wit, the theft of \$2,308.94 from the Banning Rehabilitation and Counseling Center, and

occurring between September 21, 1993, and January 1, 1994 (count 1); and (2) violating Penal Code section 459, in that on or about December 22, 1993, defendant willfully and unlawfully entered a certain building located in Banning (count 2).

Defendant plead guilty to violating Penal Code section 487, subdivision (a) (count 1) on February 16, 1994. Also on February 16, the parties stipulated and the court ordered that defendant would be denied probation and sentenced to 16 months in prison. The court also ordered defendant to pay restitution to the victim in the amount of \$1,182.50 instead of a restitution fine.

On October 7, 2015, defendant filed a petition pursuant to Penal Code section 1170.18, seeking a reduction of his conviction to a misdemeanor. The People opposed the petition. The court denied the petition on January 12, 2016, finding defendant was not entitled to a reduction in sentence because the value of the loss was \$2,308.94, more than the \$950 statutory limitation.

On March 1, 2016, defendant filed a timely notice of appeal. On March 7, 2014, defendant filed an amended notice of appeal.

DISCUSSION

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

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

HOLLENHORST
Acting P. J.

CODRINGTON
J.