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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

THE PEOPLE, Plaintiff and Respondent, v. COLLEEN ANNE BALDUZZI, Defendant and Appellant.	F063224 (Super. Ct. No. VCF253072) **OPINION**

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. James W. Hollman, Judge.

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Kane, Acting P.J., Poochigian, J., and Franson, J.

PROCEEDINGS

On June 1, 2011, appellant, Colleen Anne Balduzzi, was charged in a criminal complaint with felony theft from an elder or dependent adult (Pen. Code, § 368, subd. (d), count 1),[1] five counts of second degree burglary (§ 459, counts 2 through 6), possession or receipt of items as forgery (§ 475, subd. (c), count 7), felony forgery (§ 470, subd. (b), count 8), felony grand theft (§ 484g, subd. (a), count 9), felony receipt of stolen property (§ 496, subd. (a), count 10), and resisting a peace officer (§ 148, subd. (a)(1), count 11).

On June 10, 2011, appellant entered into a plea agreement in which she would admit theft from an elder or dependent adult, forgery, two counts of burglary, and resisting arrest. Appellant would receive a stipulated term of five years in prison, execution of her sentence would be suspended, and she would be placed on probation with a condition that she serve no more than 365 days in county jail. The court advised appellant of the consequences of her plea and her constitutional rights pursuant to *Boykin*/*Tahl*.[2] Appellant waived her constitutional rights and pled no contest to counts 1, 2, 6, 7, and 11. The parties stipulated to a factual basis for appellant's plea.[3]

On June 29, 2011, the trial court sentenced appellant to a prison term of five years, stayed execution of her sentence, ordered her to serve 365 days in jail, and placed her on

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[1] All statutory references are to the Penal Code.

[2] *Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3d 122.

[3] According to the probation report, the elderly victim's bank called her to inform her of suspicious activity on her credit card. The bank also informed the victim that appellant, a relative of the victim, was in possession of the victim's credit card and attempted to use it at a veterinary hospital. The victim learned that $27,676.51 in fraudulent purchases had been made on her account. When a police officer went to arrest appellant, she became combative and challenged the officer to fight her. It took a citizen and a second officer to eventually restrain appellant.

felony probation. On January 31, 2012, appellant's presentence custody credits were modified to reflect 31 actual days in custody and conduct credits of 31 days.

Appellant filed a timely notice of appeal. Appellant's counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

APPELLATE COURT REVIEW

Appellant's appointed counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*Wende*, *supra*, 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that appellant was advised she could file her own brief with this court. On February 16, 2012, a letter was sent from this court inviting appellant to file her own brief with this court. To date, she has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The judgment is affirmed.