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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSEPH NASH CASTANEDA,

Defendant and Appellant.

F067422

(Fresno Super. Ct. No. F13901621)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. Jon N. Kapetan, Judge.

Stephen M. Hinkle, under appointment by the Court of Appeal, for Defendant and Appellant.

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

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\* Before Levy, Acting P.J., Cornell, J. and Gomes, J.

## **INTRODUCTION**

Appellant/defendant Joseph Nash Castaneda pleaded no contest to two counts of second degree vehicular burglary (Pen. Code, §§ 459/460, subd. (b)) and was sentenced to three years in prison pursuant to a negotiated disposition. His appellate counsel has filed a brief which summarizes the facts with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We affirm.

## **FACTS**

On February 9, 2013, defendant's girlfriend had a telephone conversation with her former boyfriend, and it turned into an argument about child custody. After the call, she told defendant about it and he became angry. Defendant said he was going to settle everything and told her to drive him to the former boyfriend's house.

When they arrived, defendant grabbed a hammer from his girlfriend's van and smashed the windows of her former boyfriend's SUV. He also slashed all the tires with a knife and stole property from inside the vehicle. Defendant was still angry and ran across the street and broke the window of a nearby truck, apparently unrelated to the former boyfriend. He stole a stereo from the truck's console.

## **Procedural History**

On February 19, 2013, a complaint was filed in the Superior Court of Fresno County charging defendant with counts I and III, second degree vehicular burglary; and count II, felony vandalism (§ 594), with three prior prison term enhancements (§ 667.5, subd. (b)).

On March 26, 2013, defendant pleaded no contest to counts I and III and admitted one enhancement, pursuant to a negotiated disposition, for a maximum possible term of three years. The court dismissed the remaining charges.

On May 7, 2013, defendant was sentenced to the midterm of two years for count II; a consecutive one-year term for the enhancement; and a concurrent term of two years for count III.

On June 7, 2013, defendant filed a timely notice of appeal; he did not request or obtain a certificate of probable cause.

### **DISCUSSION**

As noted above, defendant's counsel has filed a *Wende* brief with this court. The brief also includes the declaration of appellate counsel indicating that appellant was advised he could file his own brief with this court. By letter on September 10, 2013, we invited defendant to submit additional briefing. To date, he has not done so.

After independent review of the record, we find that no reasonably arguable factual or legal issues exist.

### **DISPOSITION**

The judgment is affirmed.