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

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN CARLOS VARGAS,

Defendant and Appellant.

F071670

(Tulare Super. Ct. No. PCF312216)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Tulare County. Gary M. Johnson, Judge.

Lynette Gladd Moore, 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 Gomes, Acting P.J., Kane, J., and Detjen, J.

Appellant John Carlos Vargas pled no contest to second degree robbery (Pen. Code, § 211) and was sentenced to a two-year prison term. Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

### **FACTUAL AND PROCEDURAL HISTORY**

On January 23, 2015, Vargas entered a Rite Aid store in Porterville, California, selected some merchandise and put it inside his pants. Vargas walked out of the store without paying for the merchandise where he was contacted by three store employees. The employees instructed Vargas to return the merchandise but Vargas refused and attempted to flee. When one employee attempted to detain Vargas, he shoved her. During a struggle that ensued, the three employees were able to control Vargas and place him in hand restraints. An officer responded to the store and arrested Vargas.

On January 27, 2015, the district attorney filed a complaint charging Vargas with three counts of second degree robbery.

On February 9, 2015, Vargas pled no contest to the robbery charged in count 1, which was amended to include the names of all three store employees, in exchange for a stipulated prison term of two years and concurrent terms on several misdemeanors in two unrelated cases.<sup>1</sup> On March 9, 2015, the court sentenced Vargas to a mitigated prison term of two years and concurrent terms on the unrelated misdemeanors.

Vargas's 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, supra*, 25 Cal.3d 436.) Vargas has not responded to this court's invitation to submit additional briefing.

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

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<sup>1</sup> Vargas also pled no contest to three misdemeanors in the unrelated cases.

**DISPOSITION**

The judgment is affirmed.