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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDREA RAE QUINATA,

Defendant and Appellant.

G050506

(Super. Ct. No. 12WF1484)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Vickie L. Hix, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

Defendant Andrea Rae Quinata pleaded guilty to acquiring and retaining possession of personal identifying information of 10 or more people with the intent to defraud. In exchange, she was placed on supervised probation for four years on the condition that she serve 365 days in county jail. On the prosecution's motion, the trial court dismissed a special allegation charging defendant with having committed a prior serious felony within the meaning of Penal Code sections 667, subdivisions (d) and (e)(1), and 1170.12, subdivisions (b) and (c)(1).

After defendant was released from jail, the court revoked defendant's probation and issued a warrant for her arrest after she failed to report to probation and her location became unknown. Defendant was taken into custody and admitted violating probation after waiving her right to a hearing. The court revoked and terminated defendant's probation, found she had previously sustained a serious felony, and sentenced her to 16 months in state prison, with credit for 480 days (240 actual custody and 240 local conduct). It also imposed various fines and assessments and ordered defendant to comply with DNA and fingerprint requirements.

We appointed counsel to represent defendant on appeal. Counsel filed a brief summarizing the proceedings and facts of the case and advised the court he found no arguable issues to assert on defendant's behalf. (*Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493]; *People v. Wende* (1979) 25 Cal.3d 436.) Although we notified defendant she could file written argument on her own behalf, the time to do so has passed and no communication has been received from her.

To assist us in our independent review of the record, counsel suggests we consider two issues: (1) whether the probation violation was sufficiently proven by the petition for revocation of probation and defendant's admission of a probation violation; and (2) whether any error occurred in determining defendant was ineligible for sentencing under the Realignment Act.

We have considered these issues and independently reviewed the record according to our obligations under *Anders v. California*, *supra*, 386 U.S. 738 and *People v. Wende*, *supra*, 25 Cal.3d 436, but found no arguable issues on appeal.

The order revoking probation is affirmed.

RYLAARSDAM, ACTING P. J.

WE CONCUR:

IKOLA, J.

THOMPSON, J.