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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER CUNHA,

Defendant and Appellant.

H036920

(Monterey County

Super. Ct. No. SS081381)

Defendant Christopher Cunha went into a place of business where he did not work under false pretenses, and stole a variety of business and personal items totaling \$3,927.99. After an investigation, the police identified defendant as the thief, searched his car and found various items of the stolen property. The Monterey County District Attorney charged defendant with felony second degree commercial burglary and misdemeanor theft. (Pen. Code, §§ 459, 484, subd. (a).) On July 9, 2009, defendant pleaded no contest to the felony burglary charge on the condition that he would be placed on felony probation. Pursuant to the plea agreement, the trial court placed defendant on probation for a period of three years, imposed a variety of probation conditions including that he serve 182 days in jail, report to the probation department within three days of his release from custody, not change his residence from Monterey County or leave the state

of California without permission from the probation department. The court also imposed a variety of fines.

On March 1, 2010, the probation department filed a petition to violate probation alleging that defendant had failed to report to the probation department upon his release from custody. (Pen. Code, § 1203.2.) After defendant was located and apprehended in Oregon, the petition was amended to include a second violation of probation for leaving California without prior permission. On March 11, 2011, Defendant admitted both allegations in the petition and the trial court revoked probation and imposed the aggravated term of three years in state prison. The court awarded a total of 362 days of custody credits and imposed and suspended a \$200 parole revocation fine. This timely notice of appeal ensued.

After the appeal was filed, appellate counsel filed a motion in the trial court for additional presentence credits and to strike the \$200 parole revocation fine. The trial court awarded 58 additional days of credits, but denied the motion to strike the parole revocation fine. Thereafter, appointed counsel filed an opening brief which states the case and the facts but raises no specific issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. Thirty days have elapsed and we have received nothing from the defendant. Pursuant to our obligation as set forth in *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the record but have found no arguable issues on appeal. Therefore, we will affirm the judgment.

DISPOSITION

The judgment is affirmed.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

BAMATTRE-MANOUKIAN, J.