

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

THE PEOPLE,

Plaintiff and Respondent,

v.

ORALIA MONET RAMIREZ,

Defendant and Appellant.

H037914

(Santa Clara County

Super. Ct. No. CC805912)

In May 2008, defendant Oralia Monet Ramirez and two companions, one male and one female, approached a woman and her three friends in a parking lot at around 1:00 a.m. Defendant's female companion kicked two of the woman's friends. Defendant's male companion began fighting with one of the woman's male friends. Defendant's female companion grabbed the woman's hair and began hitting her. The woman fought back, and her friends tried to restrain her assailant. Defendant came up behind the woman and hit her in the head with a beer bottle. The woman's wound bled and required staples.

Defendant was charged by information with assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)), and it was specially alleged that the offense was a serious felony because she had personally used a dangerous or deadly weapon (Pen. Code, §§ 667, 1192.7). In April 2009, defendant pleaded no contest and admitted the serious felony allegation. In June 2009, she was granted probation conditioned on, among other

things, service of a 120-day jail term. Defendant served her jail term by “EMP” from August 14, 2009 through December 10, 2009.

In July 2010, defendant left Santa Clara County without the permission of her probation officer and was arrested in Fresno for driving under the influence of alcohol. Defendant’s probation was summarily revoked in October 2011, and she was returned to custody on October 6, 2011. She admitted violating her probation. The probation department recommended that she be sentenced to state prison for the three-year midterm. On December 29, 2011, the court imposed the two-year lower term. The court granted her 172 days of credit, consisting of 86 days of actual custody credit and 86 days of conduct credit. Defendant timely filed a notice of appeal challenging only her sentence.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of her right to submit written argument on her own behalf but has failed to avail herself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Premo, Acting P. J.

Marquez, J.