

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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.

LILI TERESITA CISNEROS,

Defendant and Appellant.

H037987

(Santa Clara County

Super. Ct. Nos. C1093831, C1197334,  
C1111304)

On December 3, 2010, in case No. C1093831, defendant Lili Teresita Cisneros<sup>1</sup> was charged by complaint with carrying a concealed dirk or dagger (former Pen. Code, § 12020, subd. (a)(4)).<sup>2</sup>

On January 18, 2011, in case No. C1197334, defendant was charged by complaint with second degree robbery (§§ 211, 212.5, subd. (c); count 1) and second degree burglary (§§ 459, 460, subd. (b); count 2). The complaint further alleged that defendant was out of custody on her own recognizance at the time of the offenses (former § 12022.1).

---

<sup>1</sup> Defendant indicated on the record that her name is “Cisneros” although the record on appeal also contains a document in which she identified herself as “Lili Cisneros Anzueto.”

<sup>2</sup> All further statutory references are to the Penal Code.

On April 7, 2011, on motion of the prosecution, the complaint in case No. C1197334 was amended to add a third count for misdemeanor battery (§§ 242, 243, subd. (a)). Defendant pleaded no contest to that count, and pleaded no contest to count 2, second degree burglary (§§ 459, 460, subd. (b)). The remaining count and allegation under former section 12022.1 were submitted for dismissal at the time of sentencing. In case No. C1093831, defendant pleaded no contest to carrying a concealed dirk or dagger (former Pen. Code, § 12020, subd. (a)(4)). Defendant entered the no contest pleas in both cases with the understanding that she would receive “seven months all programs.”

According to the probation report, the burglary occurred at Walgreens, and the battery was committed against an employee of the store.

On May 10, 2011, the trial court suspended imposition of sentence in each case and placed defendant on probation for three years with various terms and conditions, including that she serve seven months in county jail in each case, with the sentences to run concurrent. The remaining count and allegation under former section 12022.1 in case No. C1197334 were dismissed.

On July 18, 2011, in case No. C1111304, defendant was charged by complaint with second degree robbery. (§§ 211, 212.5, subd. (c).) The complaint further alleged that she committed the offense for the benefit of, at the direction of, and in association with a criminal street gang. (§ 186.22, subd. (b)(1)(C).) According to the complaint, defendant took the victim’s hat “from his person and immediate presence and against his will by means of force and fear.”

On December 8, 2011, defendant pleaded no contest to second degree robbery and admitted the gang allegation in case No. C1111304. She also admitted violating probation in case Nos. C1093831 and C1197334. Her plea and admissions were made with the understanding that she would receive two years in prison in the most recent case, No. C1111304, and that she would serve no additional time in the two probation cases.

On January 6, 2012, the trial court sentenced defendant to the lower term of two years and struck the gang enhancement in case No. C1111304. The court imposed a general order of restitution, a \$400 restitution fine under section 1202.4, and a suspended \$400 parole revocation restitution fine under section 1202.45. The court determined that other amounts would not be imposed on defendant, based on a determination that defendant did not have the ability to pay.<sup>3</sup> The court terminated probation in case Nos. C1093831 and C1197334.

Defendant filed a timely notice of appeal and request for certificate of probable cause (Cal. Rules of Court, rule 8.304), but the trial court denied the request for the certificate. We appointed counsel to represent defendant in this court, and appointed counsel thereafter filed an amended notice of appeal in the trial court. Appointed counsel has filed a brief in this court which states the case and facts but which raises no issues. We notified defendant of her right to submit written argument in her own behalf within 30 days. That period has elapsed and we have received no response from defendant. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record and have concluded that there is no arguable issue on appeal.

The judgment is affirmed.

---

<sup>3</sup> Any amounts required to be imposed under section 1465.8 and Government Code sections 70373 and 29550.1 are not subject to a defendant's ability to pay. (See *People v. Kim* (2011) 193 Cal.App.4th 836, 842; *People v. Woods* (2010) 191 Cal.App.4th 269, 272.)

---

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

---

ELIA, ACTING P.J.

---

MÁRQUEZ, J.