

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

JONATHAN CONNER,

Defendant and Appellant.

H039576

(Monterey County

Super. Ct. No. SS121897)

Defendant Jonathan Conner forced open a door at a closed Goodwill Store and removed a safe containing \$2,000 in cash. He was charged with commercial burglary and residential burglary (Pen. Code § 459, counts 1 & 2), taking a vehicle without the driver's consent (Veh. Code § 10851, subd. (a), count 3), and criminal contempt (Pen. Code § 166, subd. (c)(1), misd., count 4), with a prison prior. (Pen. Code § 667.5, subd. (b).) Pursuant to a negotiated plea agreement, defendant pled no contest to the commercial burglary charge and admitted the prison prior. In exchange for his plea, the trial court suspended the imposition of sentence and placed defendant on felony probation on the condition that he serve 88 days in county jail. The court granted defendant credit for time served, imposed a variety of other conditions, fines and fees, and dismissed the remaining charges.

On February 25, 2013, a petition to revoke probation was filed, alleging a positive drug test, failure to complete the required program, and failure to report to probation.

The petition was amended on March 4, 2013, to include new criminal conduct committed on February 28, 2013. On March 8, 2013, appellant admitted the probation violations. On April 3, 2012, the court revoked probation and sentenced appellant to four years in county jail pursuant to Penal Code section 1170, subdivision (h). The court awarded the same 88 days of presentence credits, and imposed a consecutive one-year county jail sentence in the separate misdemeanor case, No. MS291047, with credit for 44 days. On April 22, 2013, defendant filed a timely notice of appeal.

On appeal, appointed counsel filed an opening brief which states the case and the facts but raises no specific issues. On October 28, 2013, 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.

ELIA, J.