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

THE PEOPLE,

Plaintiff and Respondent,

v.

DAMIAN BUSTOS GALINDO,

Defendant and Appellant.

H039721

(Santa Clara County

Super. Ct. No. B1263296)

Defendant Damian Bustos Galindo appeals from a judgment of conviction entered after he pleaded no contest to vehicle theft with a prior conviction (Veh. Code, § 10851, subd. (a); Pen. Code, § 666.5) and delaying, resisting, and obstructing a peace officer (Pen. Code, § 148, subd. (a)(1)). Defendant also admitted allegations that he suffered a strike prior within the meaning of Penal Code sections 667, subdivisions (b) through (i) and 1170.12 as well as a prison prior within the meaning of Penal Code section 667.5, subdivision (b). After denying defendant's motion to dismiss the prior strike allegation pursuant to Penal Code section 1385, the trial court sentenced defendant to state prison for four years.

I. Statement of Facts

At approximately 9:14 p.m. on November 6, 2012, officers were on routine patrol near a house where parolees lived and drug activity occurred. The officers observed a

truck parked in front of the house. A records check revealed that the truck had been reported stolen five days earlier. The officers conducted surveillance until three people, including defendant, exited the house and entered the truck. The officers initiated a felony stop on the truck and ordered the occupants out of the truck. Defendant exited the truck. After he took a few steps, the officer ordered him to stop. Defendant, however, ran across the light rail tracks and into oncoming traffic. Officers and a K-9 unit pursued him and defendant was eventually apprehended. After conducting a search of his person, an officer found marijuana. Since defendant was the driver of the stolen truck and he matched the description of the individual who was seen stealing the truck, he was arrested. During his interview with the officers at the county jail, defendant stated that he ran from them because he was in possession of marijuana and in violation of probation. He also stated that he borrowed the truck from a friend.

II. Discussion

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself 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.

III. Disposition

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Elia, Acting P. J.

Grover, J.