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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DESHA LAVANN MADKINS,

Defendant and Appellant.

H040465

(Santa Clara County

Super. Ct. No. C1363544)

Defendant Desha Lavann Madkins pleaded no contest to possession of stolen property (Pen. Code, § 496, subd. (a))¹ and misdemeanor petty theft (§§ 484, 488). The trial court sentenced defendant to four months in county jail, but suspended imposition of the sentence and granted a term of probation to terminate upon defendant's completion of a four-month jail term.

We appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief stating the case and the facts, but raising no specific issues on appeal. We notified defendant of his right to submit written argument on his own behalf within 30 days. That period has elapsed, and we have received no written argument from defendant.

¹ All statutory references are to the Penal Code.

We have reviewed the entire record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). (See also *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*).) We conclude there is no arguable issue on appeal, and we will therefore affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

On August 19, 2013, the prosecution filed a felony complaint charging defendant with one count of burglary in the second degree. (§§ 459, 460, subd. (b).) The complaint alleged that defendant entered a CVS store in San José with the intent to commit a theft on or about January 13, 2013. Apart from what the prosecution alleged in the complaint, the record contains no recitation of the facts of the offense.

On October 30, 2013, defendant pleaded no contest to possession of stolen property (§ 496, subd. (a)) and misdemeanor petty theft (§§ 484, 488) in exchange for a sentence of four months and a grant of probation. The record shows defendant was advised of and waived his rights, including his right to a preliminary hearing, and he was advised of the consequences of his plea.

On December 4, 2013, the trial court, in accord with the parties' agreement, suspended imposition of the sentence and granted a term of probation to terminate upon the completion of a four-month term in county jail imposed as a condition of probation. The court also imposed various fines and fees, and ordered defendant to submit a DNA sample. The charge of second degree burglary was dismissed.

II. DISCUSSION

We reviewed the entire record under *Wende, supra*, 25 Cal.3d 436. We find defendant was adequately advised of his rights and the consequences of his plea. Defendant freely, knowingly, and intelligently waived his rights and entered his plea. No sentencing error appears. We conclude there is no arguable issue on appeal. (See also *Kelly, supra*, 40 Cal.4th at p. 124.)

III. DISPOSITION

The judgment is affirmed.

MÁRQUEZ, J.

We concur:

BAMATTRE-MANOUKIAN, ACTING P.J.

GROVER, J.