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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ISMAEL CHAVEZ MAGANA,

Defendant and Appellant.

H040759

(Monterey County  
Super. Ct. No. SS130992)

In July 2013, defendant Ismael Chavez Magana pleaded no contest to vehicle theft (Veh Code, § 10851, subd. (a)), and possession of a controlled substance, methamphetamine (Health & Saf. Code, § 11377, subd. (a)). The court suspended the imposition of sentence and placed defendant on probation for three years. In February 2014, the court revoked defendant’s probation to retain jurisdiction. Defendant appealed the order. We will affirm.

FACTUAL BACKGROUND<sup>1</sup>

At approximately 10:30 p.m. on May 18, 2013, Officer Lane of the Salinas Police Department conducted a traffic stop of a Honda Civic being driven by defendant after observing the commission of one or more Vehicle Code violations. After County Communications advised Officer Lane that the Honda had been reported stolen “out of the City of Salinas” on April 8, 2013, he placed defendant under arrest. During a search

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<sup>1</sup> The factual background is derived from the probation report.

of defendant, the officer located 0.2 grams of methamphetamine. The officer also found a single key in defendant's front pocket. The key had multiple teeth and was not an actual key, but is known as a shaved key.

#### PROCEDURAL HISTORY

Defendant was charged by complaint filed May 21, 2013, with unlawfully taking or driving a vehicle without the owner's consent (Veh. Code, § 10851, subd. (a); Count 1); transportation of a controlled substance, methamphetamine, a felony (Health & Saf. Code, § 11379, subd. (a); Count 2); possession of a controlled substance, methamphetamine, a felony (Health & Saf. Code, § 11377, subd. (a); Count 3); and possession of burglar's tools, a misdemeanor (Pen. Code, § 466; Count 4). On July 16, 2013, defendant pleaded no contest to Count 1 and Count 3. He entered his plea on the express condition that he would receive felony probation. On August 29, 2013, the court suspended imposition of sentence and placed defendant on felony probation for three years on the condition that he serve 205 days in county jail. Another condition of his probation was: "Report to the probation officer within three days of sentencing or, if you are in custody, immediately upon release and thereafter when and as required." And still another condition required: "In the event you are deported, you are to immediately report to the probation officer at (831) 796-1200 and thereafter when and as required. If you re-enter the United States either legally or illegally, you are to report to probation within 12 hours." The court dismissed the remaining counts. In a separate misdemeanor case (Number MS278530) in which defendant had pleaded no contest to driving under the influence of alcohol (Veh. Code, § 23152, subd. (b)), the court sentenced defendant to 40 days in jail.

In January 2014, a petition was filed alleging that defendant had violated the terms and conditions of his probation by failing to report to his probation officer as required. It was alleged that defendant had been deported to Mexico by Immigration Customs and Enforcement on October 3, 2013, and that defendant had "failed to contact the Probation

Department by phone immediately and thereafter.” On February 20, 2014, the court revoked probation to retain jurisdiction.

#### DISCUSSION

We appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief which stated the case and the facts but raised no specific issues. We notified defendant of his right to submit written argument on his own behalf within 30 days. We have received no written argument from defendant.

We have reviewed the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Based upon that review, we have concluded that there is no arguable issue on appeal.

#### DISPOSITION

The order revoking probation is affirmed.

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Márquez, J.

WE CONCUR:

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Rushing, P.J.

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Elia, J.