

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

RAMONA LOUISE GIST,

Defendant and Appellant.

H040892

(Monterey County

Super. Ct. No. SS132629A)

Defendant Ramona Louise Gist appeals after pleading guilty to second degree commercial burglary (Pen. Code, § 459)¹ and admitting that she had served one prior prison term (§ 667.5, subd. (b)). She was sentenced to four years in jail (see § 1170, subd. (h)).

On appeal, defendant's appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 that states the case and facts, but raises no issue. We notified defendant of her right to submit written argument on her own behalf within 30 days. The 30-day period has elapsed and we have received no response from defendant.

Pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record. Following the California Supreme

¹ All further statutory references are to the Penal Code.

Court's direction in *People v. Kelly, supra*, at page 110, we provide a brief description of the facts and the procedural history of the case.

FACTUAL AND PROCEDURAL BACKGROUND

A. *Offense*

As defendant was convicted by plea, the following facts are taken from the probation officer's report, which was based on a report by the Presidio of Monterey Police Department. A store's video showed defendant on December 20, 2013, placing items in her purse after removing the security tags. The video also showed defendant leaving the store without paying for any items. When defendant was approached by a loss prevention agent and others, defendant dropped her purse and said, " 'I'll give it back, take it.' " She subsequently admitted to taking items. A search of defendant's purse revealed 20 bottles of fragrances worth \$1,091. Defendant stated that she had no money and needed to " 'hustle' " the items to pay for rent and food. While being transported to jail, defendant stated that she was under the influence of methamphetamine.

B. *Charge and Plea*

On December 26, 2013, defendant was charged by complaint with second degree commercial burglary (§ 459). The complaint further alleged that defendant had served two prior prison terms (§ 667.5, subd. (b)).

On January 8, 2014, defendant pleaded guilty to second degree commercial burglary and admitted that she had served one prior prison term. Defendant entered her plea and admission with the understanding that she would be referred to a program called "Creating New Choices," and that if she was not eligible or not suitable for the program she would receive a "four-year top."

At a subsequent hearing, it was reported that defendant did not meet the criteria to participate in the Creating New Choices program.

C. Sentencing and Appeal

At the sentencing hearing on March 21, 2014, the trial court struck or dismissed the remaining allegations. The court imposed the upper term of three years for the burglary, with a consecutive term of one year for the prison prior, for a total term of four years in jail (see § 1170, subd. (h)). The court ordered defendant to pay various fines and fees. Defendant was granted 184 days of custody credits. Defendant filed her notice of appeal on March 28, 2014.

DISCUSSION

Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-443.)

DISPOSITION

The judgment is affirmed.

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

ELIA, ACTING P.J.

MIHARA, J.