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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ALBERT JOSEPH KEY,

Defendant and Appellant.

H041901

(Monterey County

Super. Ct. No. SS141855)

In May 2014, defendant Albert Joseph Key broke into a restaurant at night and stole 10 bottles of wine. The burglary was recorded by the restaurant's video camera. A police officer recognized defendant as the burglar. In June 2014, defendant broke into an unoccupied church and stole donated food, money from a donation jar, candles, and other items. His fingerprint was found at the scene. On each occasion, entry was gained by breaking a window.

Defendant was arrested in July 2014. He was charged by felony complaint with two counts of second degree burglary (Pen. Code, § 459), and it was further alleged that he had served a term for a prior felony conviction (Pen. Code, § 667.5, subd. (b)). In July 2014, defendant entered into a plea agreement under which he pleaded no contest to the restaurant burglary in exchange for the dismissal of the other count and the allegation

and a stipulated split sentence of three years in jail with two years suspended. He also agreed that the dismissed count could be used in ordering restitution.

Defendant had an extensive record of property crimes over more than three decades. He admitted the restaurant burglary to the probation officer, but he denied the church burglary. The stipulated sentence was imposed. Although defendant admitted that he was responsible for \$140 in restitution to the restaurant and that the church had suffered a loss of \$863.95, he contested his responsibility for the church's loss. The court ordered defendant to pay \$140 in restitution to the restaurant and \$863.95 in restitution to the church. He timely filed a notice of appeal.

Appointed appellate counsel has filed an opening brief that 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.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Bamattre-Manoukian, Acting P. J.

Grover, J.