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

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO MIRANDA MARTINEZ,

Defendant and Appellant.

H042856

(Monterey County

Super. Ct. No. SS150148)

Defendant Antonio Miranda Martinez appeals from an order to pay restitution to the California Victim Compensation and Government Claims Board (Board). On appeal, defendant's appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

Background

A jury found defendant guilty of first degree murder (Pen. Code, § 187, subd. (a))¹ and found true the allegation that he personally discharged a firearm causing death (§ 12022.53, subd. (d)). In June 2015, the trial court sentenced defendant to a prison term of 50 years to life. The court retained jurisdiction for purposes of restitution, observing that a claim for restitution had been submitted by the Board.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

In July, 2015, the prosecution filed a memorandum of points and authorities in support of a restitution award of \$4,986.60, which represented the amount the Board had paid to the victim's family for burial expenses. The prosecution also submitted documents from the Board, including statements under penalty of perjury from the Board's custodian of records, showing that the victim's family had been billed \$5,161.60 for "Funeral Burial," and that the Board had allowed and paid \$4,986.60.

A restitution hearing was held on August 20, 2015. Defendant refused to stipulate to the victim restitution payable to the Board, but presented no evidence in opposition. The trial court ordered that defendant pay restitution in the amount of \$4,986.60 to the Board.

This Appeal

Defendant filed a timely notice of appeal from the restitution order and we appointed counsel to represent him in this court. Appointed counsel has filed a brief in this court which states the case and facts but which raises no issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. That 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 and have concluded that there is no arguable issue on appeal.

DISPOSITION

The trial court's order of August 20, 2015, is affirmed.

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

ELIA, ACTING P.J.

MIHARA, J.

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