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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

SAMANTHA MARIE RAMIREZ,

Defendant and Appellant.

H043557

(Santa Clara County

Super. Ct. No. C1517458)

Defendant Samantha Marie Ramirez appeals from a judgment following her no contest plea to first degree burglary, a violation of Penal Code sections 459-460 sub. (a).¹ The charge arose on July 14, 2014, when defendant and John Veansa El entered Ranier Ziermann's home while he was away.² Stolen from Ziermann's residence was a box containing passports, a bank account book, and a bag with gold coins he valued at \$150,000. Various other foreign currency and a \$600 laptop computer were also taken. DNA from defendant and El was found on a bottle that had been removed from the refrigerator and left on a nearby couch. When interviewed by police, defendant admitted the burglary but denied taking anything from the home.

On October 19, 2015, defendant waived her trial rights and pleaded no contest to the burglary charge, with the understanding that she would receive a sentence of three

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

² This summary of the underlying facts of the crime is taken from the probation report.

years' formal probation and nine months in county jail. On December 9 she was sentenced as agreed and given credit under section 4019 for 197 days (99 actual, 98 conduct). She was also ordered to pay a \$300 restitution fine (§ 1202.4, subd. (b)) and other fines and fees.

On March 11, 2016, the court held a restitution hearing at which Ziermann testified. He described the gold Krugerrand coins that had been stolen; he had inherited them from his mother and kept them in a plastic bag in a moving box. Ziermann estimated the value of the coins at \$150,000, based on his brother's estimate of 1,200 euros for each of the approximately 115 coins. The homeowner's insurance carrier had compensated him \$100 for the coins and \$400 for stolen cash. Altogether Ziermann estimated his losses to amount to \$165,834.88, of which the insurance company paid \$15,917.91.

The trial court found Ziermann's testimony to be credible and awarded his full claim, with the exception of \$18,900, which the parties had stipulated was a fair deduction based on a gold expert's valuation of the stolen coins. Together with Ziermann's lost wages for his appearance in court, the total restitution awarded was \$147,969.50, to be paid jointly and severally with co-defendant El. Defendant then filed a timely notice of appeal from the order.

Discussion

On appeal, we appointed counsel to represent defendant in this court. Appellate counsel filed an opening brief which states the case and the facts but raises no specific issues. In the brief counsel has asked us to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Counsel and this court notified defendant of her right to submit argument in her own behalf within 30 days. We have received no response.

In filing the opening brief under *Wende* counsel for defendant has overlooked the holding of *People v. Serrano* (2012) 211 Cal.App.4th 496 (*Serrano*), where this court

concluded that *Wende* review is limited to the defendant's first appeal as of right from a criminal conviction (*Serrano, supra*, at p. 503). Because defendant's appeal is from an order after judgment and not a first appeal of right, she is not entitled to *Wende* review. (*Id.* at pp. 503-504.) Having received no appellate argument from counsel or defendant herself, we must dismiss the appeal.

Disposition

The appeal is dismissed as abandoned.

ELIA, ACTING P.J.

WE CONCUR:

BAMATTRE-MANOUKIAN, J.

MIHARA, J.