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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSHUA D. PADILLA,

Defendant and Appellant.

B275694

(Los Angeles County  
Super. Ct. No. MA066841)

APPEAL from a judgment of the Superior Court of Los Angeles County. Daviann Mitchell, Judge. Affirmed.

Christine Dubois, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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In September 2015 defendant and appellant Joshua D. Padilla entered a plea of no contest to resisting an executive officer in the performance of his duties (Pen. Code, § 69), and admitted he was armed with a deadly or dangerous weapon in the commission of the offense (Pen. Code, § 12022, subd. (b)(1).) Defendant was sentenced to state prison for four years, execution of sentence was suspended, and defendant was placed on felony probation with various terms and conditions, including that he obey all laws and not use controlled substances.

Probation was revoked in February 2016. Following a formal probation violation hearing held in June 2016, probation was terminated, and the previously stayed state prison sentence of four years was ordered executed. Defendant filed a notice of appeal from the order revoking probation.

This court appointed counsel for defendant on appeal. Appointed counsel filed a brief raising no issues, but requesting this court to independently review the record for arguable contentions pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court of his right to file a supplemental brief within 30 days. The 30-day period has elapsed and no supplemental brief has been filed.

We have completed our independent review of the record and determined there are no arguable appellate issues. Defendant was given notice of the conditions of probation in September 2015. The violation notice filed by the probation officer alleged defendant failed to obey all laws and was arrested for being under the influence of methamphetamine. The trial court's finding that defendant violated

probation by being under the influence of methamphetamine is supported by the following substantial evidence: the arresting officer testified that on February 11, 2016, defendant exhibited the objective symptoms of being under the influence of methamphetamine (fidgety behavior, dilated pupils, snorting, grinding his teeth, and eyelid tremors), defendant admitted snorting cocaine earlier that day, and his pulse rate tested at 112 and 118 beats per minute (normal is 60 to 90 beats per minute.) The sentence imposed was within the discretion of the court.

Given this record, we are satisfied that appellate counsel has fulfilled her obligation on appeal of providing a basis for adequate and effective appellate review. The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259, 284.)

KRIEGLER, J.

We concur:

TURNER, P. J.

BAKER, J.