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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.

ORLANDO RAMIREZ-
HERRERA,

Defendant and Appellant.

B276788

(Los Angeles County
Super. Ct. No. MA067202)

APPEAL from an order of the Superior Court of Los Angeles County, Daviann L. Mitchell, Judge. Affirmed.

Jeffrey J. Gale, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Defendant Orlando David Ramirez-Herrera entered a no-contest plea to an Information alleging first degree burglary with a person present and was sentenced to state prison for the low term of two years.

On appeal, defendant's appointed counsel filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 and asked this court to conduct an independent review of the record to determine if there are any arguable issues on appeal. Defendant did not file a brief or letter. We affirm the judgment.

BACKGROUND

At approximately 11:00 p.m. on October 15, 2015, Maria Eli Vergara-Solache, her two children, and her fiancé Felix Josue Dalmau-Ayala were asleep in the bedroom of their apartment when they were awakened by a loud noise. The hall light came on, the bedroom door opened, and defendant was standing in the doorway. Dalmau-Ayala asked defendant what he was doing and defendant ran out of the apartment. The apartment's door knob was broken off and the two door locks were broken. Defendant lived in a downstairs apartment.

DISCUSSION

On June 23, 2016, defendant completed a plea form and entered a no-contest plea to the first degree burglary charge. (Pen. Code, § 459.¹) Defendant admitted the apartment was occupied at the time of the burglary (§ 462, subd. (a)); the offense was a serious felony (§ 1192.7, subd. (c)); and the offense was a violent felony (§ 667.5, subd. (c)). Defendant also acknowledged his conviction of the offense would require him to submit palm prints, blood and saliva samples to the DNA database and would mean that he could not own, possess, or use any firearms or ammunition.

Defendant was sentenced to the low-term of two years in state prison and ordered to pay fines and fees. He was awarded 93 days of custody credits: 81 actual and 12 conduct days.

We have examined the entire record and are satisfied defendant's counsel has fully complied with his responsibilities and no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Accordingly, we affirm the judgment.

¹ All statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

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DUNNING, J.*

We concur:

KRIEGLER, Acting P. J.

BAKER, J.

* Judge of the Orange Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.