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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN HENRY MCLENDON,

Defendant and Appellant.

B235762

(Los Angeles County
Super. Ct. No. BA362432)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Patricia M. Schnegg, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant John Henry McLendon appeals from the judgment entered after his no contest plea to one count of first degree burglary. His appointed counsel filed a *Wende* brief. (*People v. Wende* (1979) 25 Cal.3d 436.) On January 26, 2012, we directed appointed counsel to send the record and a copy of counsel's brief to defendant and notified defendant of his right to respond within 30 days. We received no response.

Defendant's notice of appeal states that it is based upon the sentence or other matters that arose after entry of the plea that do not affect the validity of the plea. (Cal. Rules of Court, rule 8.304(b)(4).) We have reviewed the whole record under *People v. Kelly* (2006) 40 Cal.4th 106, focusing upon matters that arose after entry of the plea.

By a second amended information filed on March 2, 2011, defendant was charged with first degree burglary, person present, for breaking into a home on September 21, 2009. (Pen. Code, § 459.)¹ The information also alleged that defendant had suffered a prior strike conviction (§§ 667, subd. (b)-(i), 1170.12, subd. (a)-(d)) and a prior serious felony conviction (§ 667, subd. (a)), and had served a prior prison term (§ 667.5, subd. (b)). Defendant waived his constitutional rights, pled no contest, and admitted the prior allegations.

Defendant accepted the court's offer to sentence him to seven years in prison. On March 23, 2011, the date originally scheduled for sentencing, defendant left the court without an excuse, prompting the issuance of a bench warrant for his arrest. He was eventually arrested, and on July 14, 2011 he was sentenced to eight years in prison. The court struck the prior strike and imposed a low two-year term for the burglary conviction, plus an additional five years for the prior serious felony conviction and one year for the prior prison term. The court granted defendant 24 days of actual and 12 days of local conduct credit. The court imposed a restitution fine of \$200 and an additional \$200 suspended parole revocation restitution fine. (§§ 1202.4, subd. (b), 1202.45). Additionally, the court assessed a \$40 court security fee and a \$30 criminal conviction assessment fee. (§ 1465.8, subd. (a)(1); Gov. Code, § 70373.)

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

Having reviewed the record, we are satisfied that no arguable issues for appeal exist.

DISPOSITION

The judgment is affirmed.

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EPSTEIN, P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.