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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN MIGUEL BEJAR,

Defendant and Appellant.

2d Crim. No. B253658
(Super. Ct. No. 2012036614)
(Ventura County)

Juan Miguel Bejar was charged with second degree burglary of a vehicle. (Pen. Code, §§ 459, 461, subd. (b).)¹ The information included allegations that Bejar had suffered two prior convictions. (§ 667.5, subd. (b).) Bejar brought an unsuccessful pretrial motion to exclude "PopStats," statistical data regarding the probability that the DNA evidence could come from someone other than him. Following a jury trial, Bejar was convicted. He admitted the prior convictions.

The trial court sentenced Bejar to the middle term of two years in jail, plus one year based on one of the prior prison enhancements, with 173 days of presentence custody credit.² The court struck the other prior conviction enhancement. The court

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

² In the same proceeding, the trial court sentenced Bejar to a consecutive eight-month term after revoking probation in a separate felony case.

imposed a \$200 probation investigation fee (§ 1203.1b), a \$10 theft fine (§ 1202.5), a \$280 restitution fine (§ 1202.4, subd. (b)), and victim restitution.

On September 11, 2011, Jason Palma exited La Vero's Mexican restaurant and noticed that the passenger window of his truck was broken into little pieces. The \$720 stereo and two \$270 speakers he had just installed the day before were missing. The police collected DNA from blood drops near speaker wires in the backseat.

In May 2012, the police took a sample of Bejar's DNA. The police expert compared 15 distinct markers from his DNA with those in the DNA sample from Palma's truck, and concluded that they matched exactly. This pattern of markers occurs randomly in approximately one in 58 quintillion African Americans, one in 15 quintillion Caucasians, and one in 65 quintillion Hispanics.

Appointed counsel filed a brief raising no issues and requesting our independent review pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On July 21, 2014, we notified Bejar that he had 30 days in which to advise us of any claims he wished us to consider. No response has been received.

We have reviewed the entire record and are satisfied that Bejar's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 123-124; *People v. Wende, supra*, 25 Cal.3d at pp. 441-442.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Nancy Ayers, Judge
Superior Court County of Ventura

Lori E. Kantor, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.