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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.

CARLOS HERRERA,

Defendant and Appellant.

B268819

(Los Angeles County  
Super. Ct. No. LA081622)

APPEAL from an order of the Superior Court of Los Angeles County.

Susan Speer, Judge. Affirmed.

Christopher Nalls, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

Appellant Carlos Herrera was charged by information with a single felony count of carrying a concealed dirk or dagger (Pen. Code, § 21310).<sup>1</sup> It was further alleged that appellant had suffered a prior strike conviction within the meaning of section 667, subdivisions (b) through (j) and section 1170.12, subdivision (b), and a prior prison term within the meaning of section 667.5, subdivision (b), both allegations stemming from a 2009 conviction for first-degree burglary. The evidence established that on August 20, 2015, the police were called to investigate a disturbance at a mobile home park. They encountered appellant, and discovered he had an open no-bail warrant. The officers placed appellant under arrest and searched him. They found a nine-inch knife with a four-inch, double-sided fixed blade concealed in the right front pocket of his pants.

The jury was instructed pursuant to CALCRIM No. 2501 that to prove guilt, “the People must prove that, one, [appellant] carried on his person a dirk or dagger; two, [appellant] knew he was carrying it; three, it was substantially concealed on [appellant’s] person; and four, [appellant] knew it could be readily used as a stabbing weapon.” The jury found appellant guilty. The court found true that appellant had been convicted of a serious felony strike within the meaning of section 667, subdivisions (b) through (j) and section 1170.12, subdivision (b), and had suffered a prior prison term within the meaning of section 667.5, subdivision (b). The court sentenced appellant to four years, consisting of the mid-term of two years, doubled due to the strike. The court struck the prior prison term enhancement. The court imposed a \$300 restitution fine, a \$40 court security fee, a \$30 facilities assessment, and a \$300 parole revocation fine (which was stayed). The defendant was awarded 224 days of custody credit.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

After reviewing the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On April 29, 2016, we sent a letter to appellant's last known address, advising him that he had 30 days within which to submit by brief or letter any contentions or argument he wished this court to consider. We received no response.

This court has examined the entire record, and is satisfied no arguable issues exist. Appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the order denying his petition in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278.)

**DISPOSITION**

The judgment is affirmed.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.