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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.

DANIEL GUY HERRERA,

Defendant and Appellant.

B285933

(Los Angeles County
Super. Ct. Nos. VA144963,
VA143331)

APPEAL from judgments of the Superior Court of Los Angeles County. Raul A. Sahagun, Judge. Affirmed.

David Cohen, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In superior court case No. VA143331, defendant and appellant Daniel Guy Herrera entered a negotiated no contest plea to driving and/or taking a vehicle without consent. (Veh. Code, § 10851, subd. (a).) The court suspended imposition of sentence and placed Herrera on three years' probation, including a condition that he obey all laws. The court revoked probation after it conducted the preliminary hearing in case No. VA144963. In case No. VA144963, the jury found Herrera guilty of misdemeanor elder abuse (Pen. Code, § 368, subd. (c) [count 1]),¹ assault with a deadly weapon (§ 245, subd. (a) (1) [count 2]), and misdemeanor assault (§ 240 [count 3]). The court imposed the low term of two years in count 2, one year in county jail to run concurrently in count 1, and six months in county jail in count 3, which it stayed pursuant to section 654. In case No. VA143331, the court imposed a term of eight months (one third the middle term) to run consecutively with the sentence in case No. VA144963.

Defendant filed notices of appeal following the contested revocation of his probation in case No. VA143331 and the judgment in case No. VA144963. We appointed counsel for defendant on appeal in both cases. On May 15, 2018, counsel filed briefs pursuant to *People v. Wende* (1979) 25 Cal.3d 436, in both matters raising no issues but asking this court to independently review the record for error.

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

We advised Herrera on May 15, 2018, of his right to file briefs or letters containing any issues he wished this court to consider in these matters. No responses have been received to date.

By order dated July 20, 2018, we consolidated case Nos. B285933 and B286402 on our own motion. We have examined the entire record and find no arguable issues on appeal. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgments are affirmed.

MOOR, J.

We concur:

BAKER, Acting P.J.

SEIGLE, J.*

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