

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JESUS MANUEL ARREOLA,

Defendant and Appellant.

2d Crim. No. B282951
(Super. Ct. No. 2016000206)
(Ventura County)

Jesus Manuel Arreola appeals from an order revoking probation and sentencing him to an aggregate term of three years eight months in prison for two cases (Case Nos. 2016000206 & 2016024135).

In Case No. 2016000206, Arreola pled guilty to unlawful driving or taking of a vehicle (Veh. Code, § 10851; count 1), identity theft (Pen. Code, § 530.5; count 2), and hit and run driving (Veh. Code, § 20002; count 4). The court suspended imposition of sentence and granted probation for three years.

Arreola violated his probation a month later. He was convicted of unlawfully driving or taking a vehicle (Veh. Code, §

10851) in Case No. 2016024135. The trial court reinstated probation, and it imposed but stayed a 90-day jail term pending his completion of a drug program.

A month later, Arreola was charged with resisting arrest (Pen. Code, § 148) and possessing a methamphetamine pipe (Health & Saf. Code, § 11364) in Case No. 2016042093. Based on the new offenses, the trial court found that Arreola violated probation and revoked his probation in the earlier cases. The court sentenced Arreola to an aggregate term of three years eight months consisting of: three years in jail in Case No. 2016024135, and a consecutive eight-month term in Case No. 2016000206 (eight months for count 1, a concurrent eight months for count 2, and a concurrent six months for count 4).

We appointed counsel to represent Arreola in this appeal. After counsel examined the record, she filed an opening brief that raises no arguable issues. We advised Arreola that he had 30 days within which to personally submit any contentions or issues he wished us to consider. Arreola filed a supplemental brief in which he challenges his sentence.

Arreola contends (1) the sentence was erroneous because it was greater than a two-year eight-month “offer”; (2) defense counsel did not “advise” him when counsel objected to the court’s original sentence and he received a greater sentence; and (3) his sentence for Case No. 2016042093 should have been considered together with the earlier two cases.

Although the record is unclear regarding the “offer” of two years eight months, the record reflects that such an offer was discussed prior to Arreola’s second probation violation. But the trial court properly imposed the aggregate sentence. The three-year principal term imposed for an unlawful driving or taking of

a vehicle in Case No. 2016024135 was prescribed by statute. (Veh. Code, § 10851, subd. (a); Pen. Code, § 1170, subd. (h)(1).) The consecutive eight-month subordinate term for a similar offense in Case No. 2016000206 was also properly imposed under statute. (Pen. Code, §§ 1170, subd. (h)(1), 1170.1; Veh. Code, § 10851, subd. (a).) Arreola has not demonstrated that the court abused its discretion in imposing the sentence. (See *People v. Superior Court (Alvarez)* (1997) 14 Cal.4th 968, 977-978.)

To the extent that Arreola argues ineffective assistance of counsel, his trial counsel did not render deficient performance when he objected to the court's sentence. (*Strickland v. Washington* (1984) 466 U.S. 668 [to demonstrate that a defendant received constitutionally inadequate representation, the defendant must show deficient performance and prejudice a result of that performance].) The trial court intended to impose a four-year aggregate sentence: a two-year sentence in Case No. 2016000206 (16 months for count 1 and a consecutive eight months for count 2), and a consecutive two-year sentence in Case No. 2016024135. Defense counsel objected, and the court amended the sentence to a lesser term of three years eight months. Because counsel's objection resulted in a more favorable result for Arreola, his ineffective assistance of counsel claim fails.

Arreola's contention that the aggregate sentence should have included a six-month sentence in Case No. 2016042093 is without merit. "A term imposed following revocation of probation . . . is imposed only for the original conviction offense and not the separate offense which caused probation to be revoked." (*People v. Blunt* (1986) 186 Cal.App.3d 1594, 1600.)

We have reviewed the entire record and are satisfied that Arreola's attorney fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Manuel J. Covarrubias, Judge
Superior Court County of Ventura

Christina Alvarez Barnes, under appointment by the
Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.