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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.

JUAN FELIPE  
VIDRIOFUENTES,

Defendant and Appellant.

B276988

(Los Angeles County  
Super. Ct. No. NA103451)

APPEAL from a judgment of the Superior Court of Los Angeles County. Judith L. Meyer, Judge. Affirmed.

Debbie M. Page, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Juan Felipe Vidrio Fuentes was convicted by jury of second degree robbery (Pen. Code, § 211)<sup>1</sup> and two counts of attempted second degree robbery (§§ 664/211.) The jury also found that defendant used a deadly and dangerous weapon (a taser) in the commission of the robbery (§ 12022, subd. (b)(1)). In a separate proceeding, the trial court found defendant served a prior prison term (§ 667, subd. (b)). The trial court sentenced defendant to the upper term of five years on the robbery conviction and imposed concurrent three-year terms on the attempted robbery counts. As to the weapon use and prior prison term findings, the court stated it “will be striking, under 1385 power, the 12022(b)(1), for sentencing only, and the 667.5(b) is flat out stricken.”<sup>2</sup>

Defendant filed a timely notice of appeal. This court appointed counsel to represent defendant on appeal. On

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<sup>1</sup> Statutory references are to the Penal Code unless otherwise stated.

<sup>2</sup> The meaning of the court’s language in its exercise of the power under section 1385 is unclear. Section 1385 permits a court to enter a dismissal in furtherance of justice, but the statute requires that “[t]he reasons for the dismissal shall be stated orally on the record.” Because the prosecution did not object to the absence of a statement indicating how dismissal of the allegations was in furtherance of justice or seek clarification of the meaning of the court’s statement (“flat out stricken”), we do not discuss the issue further, except to note that any error inured to defendant’s benefit.

June 15, 2017, appointed counsel filed a brief raising no issues, and requested this court to independently review the record for arguable contentions under the procedure set forth in *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Defendant was advised of his right to file a supplemental brief within 30 days. The time to file the supplemental brief has elapsed.

We have completed our review of the record and find no arguable contentions. Defendant was represented by competent counsel at trial. The jury was selected in the manner prescribed by law. All three victims testified consistently to defendant's commission of the charged offenses and his capture immediately thereafter. Each victim made an in-field identification of defendant, identified him at the preliminary hearing, and again at trial. The sentence imposed was within the discretion of the trial court. We are satisfied that appointed counsel fulfilled her obligation by filing a brief under *Wende*.

The judgment is affirmed. (*Smith v. Robbins* (2000)  
528 U.S. 259.)

KRIEGLER, Acting P.J.

We concur:

BAKER J.

DUNNING, J.\*

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