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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD LUNA LOERA,

Defendant and Appellant.

B237206

(Los Angeles County  
Super. Ct. No. KA095269)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Jack P. Hunt, Judge. Affirmed as modified.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Richard Luna Loera appeals from the judgment following his plea of no contest to second degree commercial burglary. We remand the matter for a correction of an error on the abstract of judgment but affirm the judgment in all other respects.

### **FACTS AND DISCUSSION**

On August 21, 2011, Loera was caught stealing a \$199 camera from a Costco store in San Dimas. He was charged with second degree commercial burglary and petty theft. As part of a plea agreement, the petty theft charge was dismissed and Loera pled no contest to second-degree commercial burglary in violation of Penal Code section 459.<sup>1</sup> He further admitted that he had previously been convicted of a felony in 2005 for second-degree robbery (§§ 1170.12, subds. (a) – (d), 667, subds. (b) – (i)), and violated his probation (§ 667.5). Loera was sentenced to the midterm of two years in state prison, which was doubled pursuant to section 1170.12, subdivisions (a) – (d) for a total of four years. Loera was granted custody credit of 46 days and ordered to pay a \$200 victim restitution fund fine (§ 1202.4, subd. (b)), a \$40 court security fee (§ 1465.8), a \$30 criminal conviction assessment fee (Gov. Code, § 70373) and a \$10 crime prevention fund fine (§ 1202.5). A \$200 parole revocation restitution fine was suspended unless parole is revoked (§ 1202.45). As to the probation violation, the trial court sentenced him to 45 days in county jail with credit for 45 days. Loera timely filed his notice of appeal.

We appointed counsel to represent Loera on appeal. Counsel has filed an opening brief which raises no issues, along with a declaration stating she has reviewed the entire record on appeal and has communicated with Loera on this case. Counsel requests we review the record on appeal for arguable issues pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On April 6, 2012, we notified Loera by letter that he could submit any claims, arguments or issues which he wished us to consider. We have not received a response.

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<sup>1</sup> All further section references are to the Penal Code unless otherwise specified.

We have independently reviewed the record submitted on appeal, and have discovered a minor error in the abstract of judgment. The abstract of judgment lists a \$38 crime prevention fund fine. Section 1202.5, applicable here, provides for a \$10 fine and the reporter's transcript shows the trial court issued a \$10 fine rather than a \$38 fine. In all other respects, we are satisfied that Loera's appointed counsel has fulfilled her duty, and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d 436.)

#### **DISPOSITION**

This cause is remanded to the trial court with directions to amend the abstract of judgment to reflect a \$10 crime prevention fund fine pursuant to Penal Code section 1202.5. The judgment is affirmed in all other respects.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.