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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

RAFAEL GONZALEZ GUTIERREZ,

Defendant and Appellant.

B250098

(Los Angeles County
Super. Ct. Nos. BA382994)

APPEAL from an order of the Superior Court of Los Angeles County,
Scott T. Millington, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Rafael Gonzalez Gutierrez appeals from a post-judgment order revoking and reinstating his probation with modified terms and conditions.

In January 2012, Gutierrez was charged in an indictment with assault on a peace officer (Pen. Code, § 245, subd. (c)) and resisting an executive officer (Pen. Code, § 69). Represented by counsel, Gutierrez pleaded not guilty.

In October 2012, the trial court granted Gutierrez's motion for discovery of police personnel records (Evid. Code, § 1045; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531), reviewed the records in an in camera hearing and found discoverable information, which was provided to Gutierrez.

On November 1, 2012, Gutierrez waived his rights to a preliminary hearing and to a jury trial and entered a plea of guilty to assault on a peace officer as charged in count 1. In accordance with the negotiated agreement, the trial court suspended imposition of sentence and placed Gutierrez on three years of formal probation on condition he perform 30 days of community labor, possess no deadly or dangerous weapons and make restitution in an amount to be determined at a hearing. The court ordered Gutierrez to pay a \$40 court security fee, a \$30 criminal conviction assessment and a \$240 restitution fine. The court imposed and suspended a probation revocation fine pursuant to Penal Code, section 1202.44. The remaining count was dismissed pursuant to the plea agreement.

On December 10, 2012, the trial court summarily revoked Gutierrez's probation and scheduled a restitution hearing and a contested probation violation hearing following Gutierrez's arrest for unlawfully possessing firearms as a convicted felon.

On June 10, 2013, the case was called for a restitution and probation violation hearing. The parties stipulated that Officer Navid Khansari of the Inglewood Police Department was seeking \$54,369.79 in victim restitution for 130 days of missed employment, of which \$24,266.81 was paid by the City through workers' compensation insurance. Following argument by counsel, the trial court determined Gutierrez was to pay restitution in the amount of \$54,369.79 and issued an order to that effect. Thereafter, Gutierrez admitted he had violated his probation. The court reinstated Gutierrez's

probation subject to the modified conditions that he abstain from the use of alcoholic beverages and stay away from places where alcoholic beverages are the chief item for sale.

Gutierrez filed a notice of appeal from the sentence or other matters occurring after the “admitted violation that do not affect the validity of the admission.” Gutierrez also challenged the “imposition of restitution.”

We appointed counsel to represent Gutierrez on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On September 19, 2013 we advised Gutierrez he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Gutierrez’s attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

WOODS, J.