

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRELL McGIRT,

Defendant and Appellant.

B230032

(Los Angeles County  
Super. Ct. No. LA059668)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Susan M. Speer, Judge. Affirmed.

Janice Wellborn, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

Following the denial of his motion to strike a prior “strike” conviction (Pen. Code, §§ 667, subds. (b) – (i), 1170.12, subds. (a) – (d)),<sup>1</sup> defendant Terrell McGirt entered a negotiated disposition under which he pled no contest to one count of first degree burglary (§ 459) and admitted the strike. The trial court sentenced him to an agreed upon sentence of eight years in state prison, and dismissed a second count charging prohibited interception of public safety communications, a misdemeanor (§ 636.5), and remaining allegations.

According to the preliminary hearing transcript, the evidence supporting the burglary charge was as follows. Malalai Zahid came home from shopping on August 1, 2008, and saw defendant and another man exiting the back door of her residence on Lanark Street in Los Angeles. Zahid was able to apprehend defendant and, accompanied by her neighbors and nephew, hold him until the police arrived. Defendant’s companion escaped. Zahid later determined that some jewelry and her laptop computers were missing from the residence. In the rear of Zahid’s residence, Los Angeles Police Officer David Lopez found a bag containing two computers, which Zahid identified as hers.

Defendant sought a certificate of probable cause to appeal, which the trial court denied. His court appointed counsel on appeal filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and informed defendant that he had 30 days within which to file a supplemental brief. We have received no additional brief from defendant.

We have independently reviewed the record and are satisfied that no arguable issue exists. Defendant has, by virtue of counsel’s compliance with the *Wende* procedure and our independent review, received effective appellate review

---

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

of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

**DISPOSITION**

The judgment is affirmed.

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

WILLHITE, J.

We concur:

EPSTEIN, P. J.

SUZUKAWA, J.