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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN CARLOS BELTRAN,

Defendant and Appellant.

B242668

(Los Angeles County
Super. Ct. No. VA123854)

THE COURT:*

Defendant and appellant Juan Carlos Beltran (defendant) appeals from his conviction of attempted robbery. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues and requesting a court review of the record. On October 17, 2012, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and find no arguable issues with the exception of a clerical error in the minutes and the abstract of judgment. We thus order the superior court to correct its records and otherwise affirm the judgment.

* BOREN, P. J., ASHMANN-GERST, J., CHAVEZ, J.

In a single-count information, defendant was charged with the attempted second degree robbery of Hermann Mendez Aguilar (Aguilar), in violation of Penal Code section 664/211.¹ The information also alleged that defendant personally used a firearm in the commission of the offense, within the meaning of section 12022.53, subdivision (b). In addition, the information alleged pursuant to the “Three Strikes” law (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)), and pursuant to section 667, subdivision (a)(1), that defendant had suffered a prior serious felony conviction in 2008 of robbery, in violation of section 211.

At trial, the prosecution evidence showed that on February 27, 2012, defendant and four companions approached Aguilar late at night as Aguilar entered his car. Defendant pointed a revolver at Aguilar, ordered him to roll down the window, and demanded his money and then his wallet. After Aguilar replied to each demand that he had none, one of defendant’s companions told defendant to leave him alone, and the men walked away. Aguilar found a nearby police officer and when he pointed out the men, they fled. The officer called for back-up and defendant was detained a short time later. Officers recovered a revolver on the nearby ground. Aguilar was brought to the scene of the arrest and identified both defendant and the gun.

Defendant did not testify or present evidence. The jury convicted him as charged and found true the allegation that he had personally used a firearm in committing the crime. Defendant admitted his prior conviction.

On July 13, 2012, the trial court sentenced defendant to the low term of 16 months in prison, doubled as a second strike to 32 months, plus 10 years due to use of the firearm and five years due to the prior conviction alleged under section 667, subdivision (a), for a total prison term of 17 years 8 months.² The court ordered defendant to pay \$600 in

¹ All further statutory references are to the Penal Code, unless otherwise indicated.

² The trial court initially sentenced defendant to one year as the base term, but recalled the sentence the same day after realizing that the low term prescribed for attempted second degree robbery was to 16 months, pursuant to sections 18 and 213, subdivision (b).

victim restitution,³ granted 158 days of custody credit, imposed mandatory fines and fees, and ordered defendant to provide a DNA sample. Defendant filed a timely notice of appeal from the judgment.

We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

The superior court is directed to correct its minutes and prepare an amended abstract of judgment reflecting the trial court's award of \$600 in victim restitution. The superior court is further directed to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As so modified and in all other respects, the judgment is affirmed.

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³ The minute order and abstract of judgment erroneously state that the trial court ordered \$800 in victim restitution. We order the court to correct its records.