

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

THE PEOPLE,

Plaintiff and Respondent,

v.

VINCENT ORTIZ RODRIGUEZ,

Defendant and Appellant.

B266896

(Los Angeles County
Super. Ct. No. NA102118)

THE COURT:*

On August 12, 2015, appellant Vincent Ortiz Rodriguez was charged with resisting executive officer (Pen. Code, § 69; count 1), battery upon a peace officer (Pen. Code, § 243, subd. (b); count 2), and possession of a controlled substance (Health & Saf. Code, § 11377; count 3). As to count 1, it was further alleged that appellant had suffered a prior conviction, which qualified as a strike under the two strikes provision of the “Three Strikes” law (Pen. Code, §§ 667, subds. (b)-(j), 1170.12, subds. (a)-(d)) and that appellant had served two prior prison terms (Pen. Code, § 667.5, subd. (b)).

The trial court found that appellant knowingly, understandingly, and explicitly waived his rights to a preliminary hearing and to trial by court and/or jury, and defense

* ASHMANN-GERST, Acting P. J., CHAVEZ, J., HOFFSTADT, J.

counsel joined in the waiver. Appellant entered a plea of nolo contendere to counts 1 and 3. The trial court granted the People's motion to dismiss count 2.

The trial court granted the defense motion to strike the prior strike and the Penal Code section 667.5, subdivision (b), priors for purposes of sentencing, pursuant to Penal Code section 1385. Appellant was then sentenced to two years, as follows: On count 1, he was sentenced to the midterm term of two years; on count 3, he was sentenced to 364 days in the Los Angeles County jail, with this sentence to run concurrently with the sentence imposed on count 1. He was also ordered to pay various fines and was awarded custody credits.

On September 14, 2015, appellant timely filed a notice of appeal.

Counsel was appointed to represent appellant in connection with this appeal. After examination of the record, counsel filed an "Opening Brief" in which no arguable issues were raised. On December 18, 2015, we advised appellant that he had 30 days within which to personally submit any contentions or issues for us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's appellate counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*).) We see no indication of any error.

Appellant 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 and sentence entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.