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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

AMATEO SENO,

Defendant and Appellant.

B283856

(Los Angeles County
Super. Ct. No. LA082492)

APPEAL from a judgment of the Superior Court of Los Angeles County, Alan Schneider, Judge. Affirmed.

Nadezhda M. Habinek, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

The Los Angeles County District Attorney charged defendant Amateo Seno (defendant) with one count of committing domestic violence within seven years of a previous domestic violence conviction (Pen. Code, § 273.5(f)(1))¹ and one count of violating a protective order within one year of a conviction for violating a protective order that resulted in physical injury to the victim (§ 273.6(e)). Pursuant to a plea agreement with the People, defendant pled no contest to the domestic violence charge. The trial court dismissed the other charged count and sentenced defendant to five years' probation. As one of the conditions of his probation, defendant was required to obey a protective order regarding the victim, Lisa R.

A year later, the court held a contested hearing to determine whether defendant violated this condition of his probation. (Prior to the hearing, the court heard and denied defendant's *Marsden* motion to relieve his appointed attorney.²) A Los Angeles police officer testified he participated in a "probation compliance check" of a residence associated with defendant. Lisa R. was at the residence at that time, and there was evidence defendant lived there as well. Defendant returned to the residence while the officer was still there. The court took judicial notice of a protective order requiring defendant to stay 100 yards away from Lisa R. and found defendant violated his probation conditions by disobeying that order. The court terminated defendant's probation and sentenced him to two years in state prison.

¹ Undesignated statutory references that follow are to the Penal Code.

² *People v. Marsden* (1970) 2 Cal.3d 118.

Defendant noticed of appeal from the revocation of his probation and this court appointed counsel to represent him. After examining the record, defense counsel filed an opening brief raising no issues. On February 9, 2018, this court advised defendant he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response.

We have examined the appellate record, and we are satisfied defendant's attorney on appeal has complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-82; *People v. Kelly* (2006) 40 Cal.4th 106, 122-24; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

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BAKER, Acting P.J.

We concur:

MOOR, J.

KIM, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.