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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

MARGIE VALERIANO DIKIT,

Defendant and Appellant.

B281334

(Los Angeles County  
Super. Ct. No. GA097047)

APPEAL from a judgment of the Superior Court of Los Angeles County, Jared D. Moses, Judge. Dismissed.

Kieran D. Manjarrez, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Margie Valeriano Dikit appeals from a judgment and imposition of sentence following a no contest plea. As a result of our independent examination of the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we conclude no arguable issues exist. Because Dikit apparently wishes to challenge the validity of her plea but does not state that she received or requested a certificate of probable cause, we dismiss.

### **PROCEDURAL AND FACTUAL HISTORY**

Appellant defrauded her 71-year-old victim, Jesse Schaeffer, whom she knew had suffered a traumatic brain injury that left him with short-term memory issues. Appellant's fraud resulted in a loss of over \$50,000 to Schaeffer.

An April 6, 2016 information charged appellant with one count of unqualified sale of securities (Corp. Code, § 25110); theft from, or fraud on, an elder adult (Pen. Code, § 368, subd. (d)); and felony theft of personal property, the value of which exceeds \$950 (Pen. Code, § 487, subd. (a)).

On June 28, 2016, appellant waived her constitutional rights and entered into a plea agreement. Appellant agreed to pay \$10,000 in restitution within six months on the condition that, if she timely paid that amount, she would be placed on five years of felony probation, serve one year in county jail, and pay additional restitution. If appellant did not pay \$10,000 within six months, then her plea would be considered an open plea with a maximum possible prison sentence of four years eight months.

On January 4, 2017, appellant appeared before the court. Admitting that she had not made the initial payment of \$10,000, appellant offered to pay \$5,000 and asked for more time to pay the remainder. The court rejected appellant's request.

The court denied probation on the following findings: The victim was elderly and vulnerable; appellant took advantage of a position of trust; and the theft of over \$50,000 was “particularly egregious.”

The court then imposed a three-year sentence to be served in county jail: the middle term of three years for theft from an elder (Pen. Code, § 368, subd. (d)); the upper term of three years for unqualified security sales (Corp. Code, § 25110), to run concurrently with the principal term; and the middle term of three years for grand theft of personal property (Pen. Code, § 487, subd. (a)), stayed under Penal Code section 654.

The court ordered appellant to pay \$52,535.72 in restitution to her victim. The court further imposed a restitution fine of \$300 (Pen. Code, § 1202.4, subd. (b)); a \$20 crime prevention fine (Pen. Code, § 1202.5); a \$120 court operations assessment (Pen. Code, § 1465.8); and a \$90 conviction assessment (Gov. Code, § 70373).

Appellant timely appealed.

### **DISCUSSION**

After review of the record, appellant’s court-appointed counsel filed an opening brief, asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d 436. By a September 6, 2017 letter, we advised appellant that she had 30 days within which to submit any contentions or issues that she wished us to consider.

On October 6, 2017, appellant submitted a letter, dated September 30, 2017 and addressed to the trial judge, which we deem to be a supplemental brief. Appellant challenges the validity of the June 28, 2016 plea, which is not before us. Appellant does not address the January 4, 2017 imposition of

sentence. She does not deny that she failed to comply with the requirements of her plea agreement, entered into on June 28, 2016. She does not challenge the sentence, fines, or assessments imposed on January 4, 2017. She does not state that she received or requested a certificate of probable cause. If appellant wishes to contest the validity of the plea, she should seek relief in the trial court.

We have examined the entire record and are satisfied that no arguable issues exist, and that 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 entered against her in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

**DISPOSITION**

The appeal is dismissed.

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EDMON, P. J.

We concur:

LAVIN, J.

DHANIDINA, J.\*

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