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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.

MALCOLM JAMES MARTIN,

Defendant and Appellant.

B272399

(Los Angeles County
Super. Ct. No. YA093053)

THE COURT:*

Malcolm James Martin (defendant) appeals his conviction for first degree burglary. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*),

* ASHMANN-GERST, Acting P. J., HOFFSTADT, J.,
GOODMAN, J.†

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

raising no issues. On December 12, 2016, 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 finding no arguable issues, affirm the judgment.

The prosecution evidence established that in the early morning hours of September 18, 2015, police were called to a residence to investigate a possible break-in. When the first officer arrived he observed defendant and his accomplice inside the residence disconnecting cables, moving musical instruments around, removing speakers from a basement music studio, and then taking those speakers upstairs to the second floor. When defendant opened the front door to exit the apartment, he ran but was soon apprehended. The person sleeping in the apartment at the time of the break-in confirmed that when she had gone to bed earlier that night, the basement window was unbroken, the window screen was in place and the music equipment was all in the basement (rather than on the second floor).

The jury found defendant guilty of first degree residential burglary (Pen. Code, § 459).¹ In a bifurcated proceeding, the trial court found true allegations that defendant had two prior convictions, one of which was for first degree residential burglary (§ 459), which qualified as a prior strike and as a prior conviction with a prison term (§§ 667, subds. (b)-(j), 667.5, subd. (b), 1170.12). After denying defendant's motion to dismiss his prior strike conviction, the trial court sentenced defendant to 13 years in state prison, comprised of the midterm of four years doubled as

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

a second strike, plus five years for the prior prison term.
Defendant filed a timely notice of appeal from the judgment.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. 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, 123-124.)

The judgment is affirmed.

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