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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

NATHAN MONTRELL HARRIS,

Defendant and Appellant.

B287198

(Los Angeles County  
Super. Ct. No. MA072575)

APPEAL from a judgment of the Superior Court of Los Angeles County. Richard E. Naranjo, Judge. Affirmed.

Maggie Shrout, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Nathan Montrell Harris appeals from his conviction, following entry of a plea of no contest to one count of second degree burglary, and admission of a prior strike. Defendant was sentenced to state prison for 32 months. We affirm.

On November 7, 2017, defendant was charged by information with one felony count of burglary (Pen. Code, § 459; count 1), one misdemeanor count of possession of a controlled substance (Health & Saf. Code, § 11377; count 2), and one misdemeanor count of possession of a smoking device (Health & Saf. Code, § 11364; count 4). It was further alleged defendant had suffered a prior strike within the meaning of the “Three Strikes” law.

Pursuant to a negotiated plea agreement, defendant initialed and executed a felony advisement of rights, waiver and plea form. Defendant repeated the waiver of his rights before the court, with the assistance of counsel. In accordance with the terms of the plea agreement, defendant pled no contest to count 1 (second degree burglary) and admitted a prior strike for robbery in exchange for a term of 32 months. The court accepted defendant’s plea and counsel stipulated to a factual basis for the plea. Counts 2 and 4 were dismissed.

The court selected the low term of 16 months on count 1, in accordance with the plea agreement, doubled due to the prior strike for a total state prison term of 32 months. The court imposed, per statute, various fines and fees and awarded defendant eight days of custody credits. Defendant requested a forthwith commitment.

Defendant filed a notice of appeal, but did not obtain a certificate of probable cause. On the form notice of appeal filed by defendant (CR-120), the only box checked as to the substance

of the appeal is paragraph 2.a.(1) regarding the sentence or postplea matters not challenging the validity of the plea. Accordingly, those are the only issues cognizable by this appeal. (*People v. Panizzon* (1996) 13 Cal.4th 68, 74-75.)

We appointed appellate counsel to represent defendant. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that she reviewed the record and sent a letter to defendant explaining her evaluation of the record. Counsel further declared she advised defendant of his right, under *Wende*, to submit a supplemental brief within 30 days.

On April 16, 2018, we sent a letter to defendant advising him of his right to file a supplemental brief. No supplemental brief was filed.

We have examined the entire record and are satisfied that appointed counsel fully complied with her responsibilities in assessing whether any colorable appellate issues exist. We conclude there are no arguable appellate issues. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

#### **DISPOSITION**

The judgment of conviction is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

ROGAN, J.\*

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