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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MARCELO FERNANDEZ LARIOS,

Defendant and Appellant.

B234853

(Los Angeles County
Super. Ct. No. PA069218)

APPEAL from a judgment of the Superior Court of Los Angeles County, Dalila Corral Lyons, Judge. Affirmed.

Suzan E. Hier, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Marcelo Larios appeals from the judgment entered after his no contest plea to one count of making criminal threats, a violation of Penal Code section 422.¹ His appointed counsel filed a *Wende* brief. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised he had 30 days within which to submit by brief or letter any contentions or argument he wished this court to consider. Defendant filed a letter claiming that a witness came forward after he was sentenced and his appointed trial counsel did not represent his best interests.

The record does not include a certificate of probable cause, and defendant's notice of appeal states that it is based upon the sentence or other matters that arose after entry of the plea that do not affect the validity of the plea. (Cal. Rules of Court, rule 8.304(b)(4).) We have reviewed the whole record under *People v. Kelly* (2006) 40 Cal.4th 106, focusing on the sentence as that is the only matter that arose after entry of the plea.

Defendant was charged by information filed January 24, 2011 with two counts of making criminal threats (§ 422) with a knife-use enhancement (§ 12022, subd. (b)) attached to one of the counts. Both offenses were alleged to have been committed against defendant's neighbor on January 1, 2011.

On June 8, 2011, defendant entered into a written plea agreement that required him to plead no contest to one count of violating section 422 and serve a sentence of 16 months. He was sentenced according to this agreement and awarded 238 days of custody credit (159 days of actual credit and 79 days of conduct credit). The court imposed a restitution fine of \$200 and an additional \$200 suspended parole revocation restitution fine. (§§ 1202.4, subd. (b), 1202.45.) Additionally, the court ordered him to pay a \$40 court security fee and a \$30 criminal conviction assessment fee. (§ 1465.8, subd. (a)(1); Gov. Code, § 70373.)

Having reviewed the record, we are satisfied that no arguable issues for appeal exist.

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

DISPOSITION

The judgment is affirmed.

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EPSTEIN, P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.