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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.

BRUCE WESTIN,

Defendant and Appellant.

B241295

(Los Angeles County  
Super. Ct. No. SA061160)

APPEAL from a judgment of the Superior Court for Los Angeles County,  
James R. Dabney, Judge. Appeal dismissed.

Murray A. Rosenberg, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Bruce Westin, who was on probation following his conviction of felony vandalism (Pen. Code, § 594, subd. (a)), was found to be in violation of his probation on July 19, 2011. The trial judge revoked and reinstated his probation, on condition that he serve 45 days in county jail and submit to periodic narcotics testing. Defendant appealed, and we affirmed the order in case No. B234855. On April 13, 2012, the trial court remanded defendant to serve his 45-day county jail sentence. Defendant filed a notice of appeal from the April 13, 2012 order, and his appointed counsel filed an opening brief under *People v. Wende* (1979) 25 Cal.3d 436. We conclude that the order that defendant purports to appeal is not an appealable order. The order is analogous to an order to execute a sentence that had been imposed and stayed pending appeal; if the imposition of the sentence is affirmed on appeal, the subsequent order to execute the sentence is not appealable. We therefore dismiss defendant's appeal.

### **DISPOSITION**

The appeal is dismissed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.