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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JULIAN BAEZ, JR.,

Defendant and Appellant.

E085905

(Super.Ct.Nos. INF2202100,
INF2200751, INF2402217,
INM2301247)

OPINION

APPEAL from the Superior Court of Riverside County. Dean Benjamini, Judge.

Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Julian Baez, Jr., appeals from the judgment entered after he pled guilty to several violations of the Penal Code, including two counts of burglary, in several simultaneously pending cases. (Pen. Code, § 459; unlabeled statutory citations refer to this code.) The trial court sentenced him to 17 years eight months in state prison.

We appointed counsel to represent Baez on appeal, and counsel filed an opening brief that raised no issues and requested an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738. We affirm.

BACKGROUND

In April 2022, the People filed a felony complaint in Riverside County Superior Court case No. INF2200751 alleging that Baez committed one count of vandalism (§ 594, subd. (b)(1)), one count of resisting a public officer, peace officer, or emergency medical technician (§ 148, subd. (a)(1)), and one count of trespass (§ 602, subd. (m)). The People also alleged that he had a prior strike conviction. (§§ 667, subds. (c), (e)(1), 1170.12, subd. (c)(1).) After the preliminary hearing in December 2022, the trial court reduced the vandalism count to a misdemeanor pursuant to subdivision (b)(4) of section 17.

In January 2023, the People filed an information in Riverside County Superior Court case No. INF2202100 alleging that Baez committed one count of burglary (§ 459), one count of assault with a deadly weapon (§ 245, subd. (c)), one count of deterring a police officer (§ 69), and two counts of resisting a police officer (§ 148, subd. (a)(1)). The People also alleged that he committed the offenses while he was out on bail under section 12022.1, had three prior serious felony convictions (§ 667, subd. (a)), and had three prior strike convictions (§§ 667, subds. (c), (e), 1170.12, subd. (c)).

In February 2023, the People filed a misdemeanor complaint in Riverside County Superior Court case No. INM2301247 alleging that Baez committed one count of

vandalism (§ 594, subd. (a)), one count of trespass (§ 602, subd. (m)), and one count of provision of false identification to a police officer (§ 148.9, subd. (a)).

In May 2023, the People filed an information in Riverside County Superior Court case No. INF2300444 alleging that Baez committed one count of burglary (§ 459). The People also alleged that he had three prior serious felony convictions (§ 667, subd. (a)) and three prior strike convictions (§§ 667, subds. (c), (e), 1170.12, subd. (c)).

In November 2023, the trial court granted the People's motion to consolidate case Nos. INF2300444 and INF2200100, and in February 2024, the People filed an amended information in case No. INF2202100 to include the burglary that was alleged in case No. INF2300444.

In October 2024, the People filed a felony complaint in case No. INF2402217 alleging that Baez committed one count of assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)) and one count of resisting a public officer, peace officer, or emergency medical technician (§ 148, subd. (a)(1)). The People also alleged that he had three prior strike convictions. (§§ 667, subds. (c), (e)(2)(A), 1170.12, subd. (c)(2).)

The trial court granted Baez's motions to represent himself under *Faretta v. California* (1975) 422 U.S. 806.

Pursuant to a negotiated disposition, Baez pled guilty in each case. In case No. INF2202100, he pled guilty to both counts of burglary (§ 459), deterring a police officer (§ 69), and both counts of resisting a police officer (§ 148, subd. (a)(1)). He admitted that he had a prior serious felony conviction and a prior strike conviction. The court

dismissed the assault with a deadly weapon charge (§ 245, subd. (c)), two prior serious felony convictions (§ 667, subd (a)), two prior strike convictions (§§ 667, subds. (c), (e), 1170.12, subd. (c)), and the section 12022.1 enhancement.

In case No. INF2402217, Baez pled guilty to assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)) and resisting a public officer, peace officer, or emergency medical technician (§ 148, subd. (a)(1)), and he admitted a prior strike conviction.

In case No. INF2200751, Baez pled guilty to vandalism (§ 594, subd. (a)) and resisting a police officer (§ 148, subd. (a)(1)), and the court dismissed the trespass charge.

In case No. INM2301247, Baez pled guilty to vandalism (§ 594, subd. (a)), trespass (§ 602, subd. (m)), and provision of false identification to a police officer (§ 148.9, subd. (a)).

In February 2025, the court sentenced Baez. In case No. INF2202100, the court sentenced him to 15 years eight months, calculated as follows: eight years for the first degree burglary count (the middle term of four years doubled under the three strikes law), plus five years pursuant to section 667, subdivision (a)(1), plus one year four months for the second degree burglary count (one-third the middle term of two years doubled), plus one year four months for deterring a police officer (one-third the middle term of two years doubled). The court imposed a concurrent six-month sentence for the two resisting a police officer counts.

In case No. INF2402217, the court sentenced Baez to two years for assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)) (one-third the

middle term of three years doubled) and a concurrent six-month term for resisting a police officer. The addition of the two-year sentence for the assault brought Baez's aggregate sentence to 17 years eight months.

The court dismissed the remaining charges and awarded Baez 869 actual days of custody credit and 868 days of conduct credit for a total of 1,737 days. The court granted Baez's request for a certificate of probable cause in case No. INF2200751.

DISCUSSION

Baez's appellate counsel filed a *Wende* brief identifying two potentially arguable issues: (1) whether Baez was sentenced according to his plea agreement; and (2) whether Baez was "properly advised" of his constitutional rights before the court accepted his guilty pleas. Counsel asked that we conduct an independent review of the record. We advised Baez that he had 30 days to file a personal supplemental brief, and we received no response.

We have independently reviewed the record and found no arguable error that would result in disposition more favorable to Baez.¹ (*Wende, supra*, 25 Cal.3d at pp. 441-442.) Accordingly, we affirm the judgment.

¹ When reviewing the record, we identified one potential error regarding the calculation of Baez's custody credits: On the date of Baez's sentencing, the probation department filed a custody credit memorandum. The memorandum notes the date of Baez's arrest as September 26, 2022, and the date of his release (from presentence custody) as February 10, 2025, resulting in 869 actual days of presentence custody. On the basis of the memorandum, the trial court awarded Baez 869 actual days of custody credit and 868 days of conduct credit. But Baez was also in custody when he was

[footnote continued on next page]

DISPOSITION

The judgment is affirmed.

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MENETREZ

J.

We concur:

McKINSTER

Acting P. J.

MILLER

J.

arrested in case No. INF2200751 in early April 2022, and we have discovered nothing in the record that explains the omission of credit for those actual days of confinement. “The failure to award an adequate amount of credits is a jurisdictional error which may be raised at any time.” (*People v. Cardenas* (2015) 239 Cal.App.4th 220, 235.) But we lack jurisdiction to address that potential error, because Baez must first seek relief in the trial court. (§ 1237.1)