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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE, Plaintiff and Respondent, v. ANNIE LOIS TAYLOR, Defendant and Appellant.	B194023 (Los Angeles County Super. Ct. No. BA286798)

APPEAL from a judgment of the Superior Court of Los Angeles County, Rand S. Rubin, Judge. Affirmed.

Ronnie Duberstein, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Annie Lois Taylor appeals from an order revoking her probation and a judgment executing a previously suspended sentence.

On August 11, 2005, Taylor was charged by information with two counts of possession of a controlled substance, respectively heroin and cocaine base, in violation of Health and Safety Code section 11350, subdivision (a), and one count of possession of a smoking device in violation of Health and Safety Code section 11364, subdivision (a). It was further alleged Taylor had suffered a prior serious or violent felony conviction within the meaning of the "Three Strikes" law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)), and she had served two separate prison terms for a felony (Pen. Code, § 667.5, subd. (b)).

On the day of trial, Taylor entered a negotiated plea of no contest to possession of a controlled substance (cocaine base) for which she was sentenced to state prison for the upper term of three years. Execution of sentence was suspended and Taylor was placed on three years of formal probation and ordered to serve 150 days in county jail. The court also imposed a $200 restitution fine (Pen. Code, § 1202.4, subd. (b)), a $20 court security fee (Pen. Code § 1465.8, subd. (a)(1)), and a $155 lab fee, including penalty assessments (Health & Saf. Code, § 11372.5, subd. (a)). The court imposed and stayed a $200 parole revocation fine. (Pen. Code, § 1202.45.) The remaining counts and special allegations were dismissed on the People's motion.

On November 29, 2005, after Taylor failed to report to the probation department, the trial court summarily revoked her probation and issued a bench warrant but ordered it held, first until December 5, 2005, and then until February 22, 2006. Apparently, Taylor had been unable to report to her probation officer because she had been incarcerated in state prison for violating parole in another matter, but she was due for release in "early February" 2006. On February 22, 2006, Taylor appeared in court and the bench warrant was recalled. The court reinstated formal probation and ordered Taylor to report to her probation officer within 48 hours. On June 2, 2006, the court summarily revoked probation and issued a bench warrant after the probation department notified the court

Taylor had absconded from probation. The same day Taylor appeared in court in custody, and the bench warrant was recalled, and a probation violation hearing was set.

On July 6, 2006, Taylor's request to be placed on probation under the terms and conditions of Proposition 36 was denied. At the probation violation hearing on September 13, 2006, Deputy Probation Officer Darlene Zemel-Montalvo testified Taylor had absconded from probation. Taylor had reported to the probation department on March 13, 2006, when she was homeless and staying in a shelter in downtown Los Angeles. Zemel-Montalvo instructed Taylor to return on March 20, 2006, and to report weekly while she had no permanent address. However, Taylor never returned.

At the conclusion of the hearing, the court found Taylor in violation of probation, terminated her probation, and ordered executed her previously suspended three-year state prison sentence. Taylor was awarded 312 days of presentence credit (150 days previously served, 108 actual days, and 54 days of conduct credit). She filed a timely appeal but did not request a certificate of probable cause.

We appointed counsel to represent Taylor on appeal. After examination of the record, counsel filed an "Opening Brief" in which no issues were raised. On January 30, 2007, we advised Taylor she had 30 days within which to personally submit any contentions or issues she wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that Taylor's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.) However, because Taylor pleaded no contest and failed to obtain a certificate of probable cause, her notice of appeal is not operative to challenge the judgment. (*People v. Mendez* (1999) 19 Cal.4th 1084, 1096, 1099; *People v. Panizzon* (1996) 13 Cal.4th 68, 79.) As for the order revoking probation, substantial evidence supports the court's finding Taylor absconded from probation and therefore was in violation of the terms of her probation. (*People v. Kurey* (2001) 88 Cal.App.4th 840, 848-849.)

The judgment is affirmed.

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WOODS, J.

We concur:

PERLUSS, P. J.

ZELON, J.