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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE, Plaintiff and Respondent, v. PETER HOLMES, Defendant and Appellant.	A111466 (San Mateo County Super. Ct. No. SC58675A)

Counsel appointed for defendant Peter Holmes has asked this court to examine the record in accordance with *People v. Wende* (1979) 25 Cal.3d 436. That examination reveals the following:

At the preliminary examination, Nelson Zuniga testified that on the evening of April 21, 2005, he was walking to his Daly City home from work. A car carrying three people pulled up and Mr. Zuniga heard a voice say, "Get him." Mr. Zuniga turned around and found defendant "right behind me." Defendant struck Mr. Zuniga in the face with his closed fist. Mr. Zuniga fell to the ground. Defendant continued hitting Mr. Zuniga's face. He then took Mr. Zuniga's wallet and cell phone from his (Mr. Zuniga's) trousers. The other occupants of the car, a man and a woman, then kicked Mr. Zuniga's head, following which the attackers fled. Mr. Zuniga made a positive identification in court of defendant.

The prosecution filed an information by which defendant was charged with the second degree robbery of Mr. Zuniga (Pen. Code, § 212.5, subd. (c)) and assaulting

Mr. Zuniga by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). Defendant entered a plea of no contest to the robbery charge in exchange for dismissal of the assault count. The trial court suspended imposition of sentence and admitted defendant to probation upon specified conditions, one of which was that he serve nine months in the county jail. Defendant filed a timely notice of appeal.

Defendant's change of plea complied with *Boykin v. Alabama* (1969) 395 U.S. 238 and *In re Tahl* (1969) 1 Cal.3d 122. In that defendant was admitted to probation, no question of unauthorized sentence is presented. The conditions of probation imposed by the trial court were reasonable.

We have concluded an independent review under *People v. Wende* (1979) 25 Cal.3d 436, and agree with counsel's assessment that there are no issues warranting further briefing in this case.

The order of probation is affirmed.

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Richman, J.

We concur:

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Kline, P.J.

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Haerle, J.