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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

THOMAS WILLIAM BAKER,

Defendant and Appellant.

A135613

(San Mateo County
Super. Ct. No. SC075594A)

Thomas William Baker (appellant) appeals from a judgment entered after he pleaded no contest to unlawfully taking or driving a vehicle (Veh. Code, § 10851, subd. (a)). Appellant’s counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Appellant was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing, and affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

On April 20, 2012, a complaint was filed charging appellant with one felony count of unlawfully taking or driving a vehicle (Veh. Code, § 10851, subd. (a), count 1) and one misdemeanor count of falsely identifying himself to a police officer (Pen. Code, § 148.9, subd. (a), count 2). The complaint further alleged that appellant had two prior vehicle theft convictions within the meaning of Penal Code section 666.5. On April 25, 2012, appellant pleaded no contest to count 1 in exchange for dismissal of count 2 after the court stated, “on or about April 18th of 2012 you willfully and unlawfully drove or took a 2012 Hyundai, . . . which is the property of Avis Rental Car without their consent and with the intent to deprive them of the Title to and Possession of that vehicle in violation of Vehicle Code

section 10851, a felony.”¹ Defense counsel stipulated to a factual basis for appellant’s plea. Appellant waived time for sentencing and the court imposed the middle term sentence of three years, committing appellant to county jail for one year and suspending the remaining two years of the sentence, during which time appellant was to be under the supervision of the probation department. The court awarded appellant 16 days of presentence credits comprised of 8 days of actual custody credits and 8 days of conduct credits. Without objection, the court imposed standard conditions of probation, ordered appellant to provide a DNA sample and to pay a restitution fine, a court operations assessment, and a criminal conviction assessment.

DISCUSSION

We have reviewed the entire record and conclude there are no arguable issues that warrant further briefing. Appellant has not sought to withdraw his no contest plea, and in any event, there is no clear and convincing evidence of good cause to allow him to do so. Appellant was adequately represented by counsel at every stage of the proceedings and appeared at every hearing. Appellant stipulated to a factual basis for the plea. There was no sentencing error. There are no issues that require further briefing.

DISPOSITION

The judgment is affirmed.

McGuiness, P.J.

We concur:

Pollak, J.

Jenkins, J.

¹ Due to the lack of a preliminary hearing or probation report, there is nothing other than this statement by the court that provides us with a factual description of the conviction offense.