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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.

BRICE LEE MCKINNON,

Defendant and Appellant.

A140685

(Mendocino County

Super. Ct. No. SCUKCR13-73885)

Brice Lee McKinnon (appellant) appeals from a judgment entered after he pleaded guilty to five counts of arson (Pen. Code, § 451, subd. (c)) and the trial court sentenced him to six years and eight months in state prison. 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 shall affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

By complaint filed August 29, 2013, appellant was charged with ten counts of arson of forest land (Pen. Code, § 451, subd. (c)) and one count of attempted arson on both public and privately-held parcels between July 13, 2013 and August 25, 2013. On September 27, 2013, appellant entered an open plea of guilty to five of the arson counts, with the remaining charges being dismissed in exchange for those pleas.

The case was called initially for sentencing and argued by the parties on November 1, 2013, but because the judge wished to review appellant’s juvenile file and a

psychological report from 2007, it was continued to November 22. The psychologist who had prepared a psychological report for appellant on October 17, 2013, provided a supplemental report on November 7, 2013.¹

On November 22, 2013, the court rejected appellant's request for a grant of probation and sentenced him to an aggregate term of six years and eight months in state prison, consisting of the mid-term of four years on count one, followed by two subordinate and consecutive terms of one year and four months, and two concurrent four-year terms. The court awarded appellant a total of 176 days of pretrial custody credit and ordered him to pay a restitution fine of \$2,520 and standard security and conviction fees totaling \$350.

At the time of appellant's guilty pleas, the prosecutor stated the factual basis for those pleas to be that, on July 13, August 4, 7, 13, and 24, appellant set a series of fires that burned forest land in Mendocino County.

DISCUSSION

We have examined the entire record and are satisfied that appellant's counsel has fully complied with his responsibilities and that no arguable issues exist. (See *People v. Wende, supra*, 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106.) There was a factual basis for appellant's plea, and there is no clear and convincing evidence of good cause to allow appellant to withdraw his plea. Appellant was adequately represented by counsel at every stage of the proceedings. There was no sentencing error. There are no issues that require further briefing.

¹The psychologist was the same person who had prepared appellant's 2007 psychological report.

DISPOSITION

The judgment is affirmed.

McGuiness, P.J.

We concur:

Pollak, J.

Jenkins, J.