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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DARRYL AISHIAY JACKSON,

Defendant and Appellant.

B240668

(Los Angeles County
Super. Ct. No. KA097112)

THE COURT:*

Darryl Aishiy Jackson appeals from a judgment following a guilty plea. Because defendant pled no contest after waiving his right to a preliminary hearing, the following facts are taken from the probation report.

On February 29, 2012, appellant was walking through the parking lot of a 99 Cent Only Store carrying an open container of beer. Two officers from the Pomona Police Department approached appellant and asked him if he was on parole. Appellant took a few steps away from the police officers. He then dropped a small off-white, rock-like substance on the ground and attempted to crush it with his foot. The officers recovered

* DOI TODD, Acting P. J., ASHMANN-GERST, J., CHAVEZ, J.

the rock-like substance and appellant was arrested. A subsequent search of appellant's left rear pants pocket produced a cocaine pipe.

After consulting with counsel, appellant pled guilty to one count of possession of cocaine in violation of Health and Safety Code section 11350, subdivision (a). Appellant also admitted having suffered one strike under the "Three Strikes" law (Pen. Code, §§ 667, subs. (b)–(i), 1170.12, subs. (a)(d))¹ and having served one prior prison term (§ 667.5, subd. (b)). Pursuant to a plea agreement, the court sentenced appellant to state prison for seven years comprised of the upper term of three years doubled for the strike, plus one year for the prior prison term. The trial court imposed various fines and court fees and appellant was awarded three days of actual custody credit and two days of conduct credit, for a total of five days of presentence credit.

Appellant filed a timely notice of appeal from the judgment in which he checked the preprinted boxes indicating, "This appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea." As grounds for seeking a certificate of probable cause, appellant claimed the plea was illegal because he had not conferred with his counsel as to his rights and the nature of the plea. Appellant's request for a certificate of probable cause was denied.

We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an "Opening Brief" containing an acknowledgement that he had been unable to find any arguable issues. On August 17, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

Appellant was represented by counsel throughout the proceedings. He was fully apprised of his constitutional rights and the consequences of his plea. He expressly waived his rights, and his waiver was knowing, intelligent and voluntary. He specifically admitted possession of cocaine. There was no error in the sentence, which was in accord

¹ All further statutory references are to the Penal Code unless otherwise indicated.

with applicable law and the negotiated disposition. Appellant received a fair hearing and due process.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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