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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL RICHARD FLEMING,

Defendant and Appellant.

2d Crim. No. B265046  
(Super. Ct. No. 14C-41466, 14C-44417)  
(San Luis Obispo County)

Michael Richard Fleming appeals a judgment of conviction after he expressly waived his constitutional rights and pleaded nolo contendere to felony possession of a cane sword (Case No. 14C-41466) and felony vandalism (Case No. 14C-44417). (Pen. Code, §§ 20510, 594, subd. (b)(1).)<sup>1</sup> Fleming also admitted two prior prison terms within the meaning of section 667.5, subdivision (b). In accordance with a plea agreement, the trial court sentenced Fleming to five years eight months in prison, consisting of an upper three-year term for felony vandalism, eight years for felony possession of a cane sword, and two years for the prison priors. The court imposed a \$300 restitution fine for each count, a \$300 parole revocation restitution fine for each count (stayed), a \$80 court security assessment, and a \$60 criminal conviction assessment, ordered victim restitution, and awarded Fleming 360 days of presentence custody credit. (§§ 1202.4, subd. (b), 1202.45, 1465.8, subd. (a); Gov. Code, § 70373.)

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise stated.

The court dismissed a serious felony strike conviction and a count charging misdemeanor possession of drug paraphernalia. (§§ 667, subd. (b)-(i), 1170.12, subds. (a)-(d); Health & Saf. Code, § 11364.)

We appointed counsel to represent Fleming in this appeal. After counsel's examination of the record, he filed an opening brief raising no issues.

On November 16, 2015, we advised Fleming by mail that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

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

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Donald G. Umhofer, Judge  
Superior Court County of San Luis Obispo

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Stephane Quinn, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.