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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JEFFREY THOMAS,

Defendant and Appellant.

C067873

(Super. Ct. No.
094203)

Appointed counsel for defendant Michael Jeffrey Thomas asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We find no arguable error and no entitlement to additional presentence credit. We will affirm the judgment.

I

On February 27, 2006, defendant purchased a 2002 Cadillac Escalade from Barber Auto Sales in Vallejo. Defendant made a

\$4,000 down payment and financed the rest of the purchase price. The application requested defendant's birth date and social security number. Defendant used the birth date and social security number of Davis resident Michael Allen Thomas.

In November 2006, Michael Allen Thomas received a letter from his credit card company notifying him that his \$10,000 credit limit was reduced to \$4,000 due to late payments. When Thomas checked into the matter he discovered the Escalade purchase and other inaccurate information on his credit report.

Thomas contacted the Yolo County Sheriff's Department, and a deputy contacted the compliance specialist at Travis Credit Union. Travis Credit Union asked defendant to visit a branch to verify the loan information. Defendant was apprehended at the branch while waiting for a teller. He drove the Escalade to the branch.

Following a jury trial, defendant was convicted of identity theft (Pen. Code, § 530.5, subd. (a)) and second degree burglary (Pen. Code, § 459). The trial court sustained a strike allegation, sentenced defendant to six years in prison, ordered various fines, fees, and victim restitution, and awarded 98 days of presentence credit (66 actual and 32 conduct). The trial court later modified the presentence credit to 103 days (69 actual and 34 conduct).¹

¹ Defendant was sentenced before October 1, 2011. He is not entitled to additional conduct credits due to his prior strike conviction. (§ 4019, subd. (h); former §§ 2933.1, subd. (e), 4019, subds. (b), (c).)

II

Appointed counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

MAURO, J.

We concur:

HULL, Acting P. J.

BUTZ, J.