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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

THE PEOPLE,

Plaintiff and Respondent,

v.

DWAYNE COLLINS TILSON,

Defendant and Appellant.

C068941

(Super. Ct. No.
CRF10443)

Appointed counsel for defendant Dwayne Collins Tilson 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

A confidential informant working for the Yuba-Sutter narcotic enforcement team contacted Jeanette Spears on

October 13, 2008, about purchasing methamphetamine from defendant. The informant gave Spears \$240 to purchase the drugs. Spears arranged to meet defendant and purchased 2.33 grams of methamphetamine from him. She then gave the methamphetamine to the informant.

Three days later, officers performed a traffic stop on a vehicle driven by defendant. A passenger in the vehicle revealed to officers that, as they were being stopped, defendant told her to hide a plastic bag in her pants. She gave the bag to the officers. The bag held 21 small clear baggies containing a total of 10.83 grams of methamphetamine; a white plastic bag containing .99 grams of cocaine salt; and a clear plastic bag containing 2.9 grams of suspected hashish. Officers also found 27.68 grams of marijuana in the backseat. When defendant was arrested, he had \$2,527.33 in his pocket.

Defendant pleaded no contest to one count of selling methamphetamine and one count of transportation of methamphetamine. It was agreed defendant would be sentenced to five years in prison.

In accordance with the plea agreement, the trial court sentenced defendant to the upper term of four years for selling methamphetamine, and a consecutive one year for transportation of methamphetamine, for a total term of five years. The trial court imposed various fines and fees, including a \$1,000 restitution fine, and awarded defendant 1,024 days of custody credit (512 actual days and 512 conduct days).

II

Appointed counsel filed an opening brief that sets forth the facts of the case and asks 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 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:

RAYE, P. J.

HOCH, J.