

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

PAUL PATRICK SEATON,

Defendant and Appellant.

C069128

(Super. Ct. No.
CM034452)

Appointed counsel for defendant, Paul Patrick Seaton, 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 concerns regarding presentence credits. We affirm.

I

In May 2011, law enforcement officers entered an apartment in Butte County looking for a parolee at large. Inside the apartment, officers found defendant who was living there with his girlfriend. During a search of the apartment, officers

found 18 grams of methamphetamine, packaged in various sizes, scales, cash totaling \$1,893, and drug paraphernalia.

Defendant was arrested and subsequently charged with possession of methamphetamine for sale (Health & Saf. Code, § 11378), possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)), being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)), and possessing drug paraphernalia (Health & Saf. Code, § 11364, subd. (a)). It was further alleged that defendant served three prior prison terms.

Defendant waived a preliminary hearing and pleaded no contest to the charge of possessing methamphetamine for sale and agreed to a stipulated term of three years in state prison. Defendant also agreed to forfeiture of the cash found in his apartment. In exchange for defendant's plea, the remaining charges and allegations were dismissed.

Defendant waived a probation report for sentencing and was sentenced in accordance with his plea. Defendant was ordered to pay various fines and fees, including a \$40 criminal conviction assessment pursuant to Government Code section 70373.¹ Defendant received no custody credit pursuant to *People v. Bruner* (1995) 9 Cal.4th 1178.

¹ Counsel for defendant sent a letter to the superior court asking the court to reduce this to \$30, the statutory amount. The superior court amended the abstract of judgment accordingly.

Defendant appeals without obtaining a certificate of probable cause.

II

Appointed counsel filed an opening brief that sets forth the facts of the case and asked 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 have elapsed and we have 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.

NICHOLSON, Acting P. J.

We concur:

DUARTE, J.

HOCH, J.