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NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

THE PEOPLE, Plaintiff and Respondent, v. ANTHONY RICHARDO TURNER, Defendant and Appellant.	C069202 (Super. Ct. No. CRF094367)

Appointed counsel for defendant Anthony Richardo Turner 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 jury convicted defendant of transportation of methamphetamine (Health & Saf. Code, § 11379, subd. (a)) and

possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)). The trial court found that he had three prior strike convictions (Pen. Code, § 667, subds. (b)-(i)),[1] one prior drug conviction (Health & Saf. Code, § 11370.2, subd. (a)), and had served seven prior prison terms (§ 667.5, subd. (b)). The trial court dismissed two strike priors and sentenced defendant to state prison for 18 years.

Defendant appealed, and this court affirmed the judgment in an unpublished opinion. (*People v. Turner* (May 17, 2011, C065030) [nonpub. opn.].) The opinion did not involve or reference the restitution fines that had been imposed in the case. This court issued a remittitur to the trial court in July 2011.

Around that time, defendant filed in the trial court a pro per motion for modification of sentence, asking that his $400 restitution fine be reduced to the statutory minimum of $200. His motion appeared to rely at least in part upon a 1992 amendment to Government Code section 13967.

In August 2011, the trial court issued the following order: “Defendant’s request to modify his restitution fine is DENIED. The Court did not impose a restitution fine of $400.00 under Government Code section 13967.”

Defendant filed a pro per notice of appeal from the trial court’s order. (§ 1237, subd. (b).) The notice of appeal

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[1] Undesignated statutory references are to the Penal Code.

appears to acknowledge that the trial court imposed a $200 restitution fine pursuant to section 1202.4 and a $200 restitution fine, suspended unless parole is revoked, pursuant to section 1202.45. This acknowledgment is the only indication in the present record of the amounts of the restitution fines. The acknowledged amounts are consistent with the trial court's ruling on defendant's request.

II

We appointed counsel to represent defendant on appeal. 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.