

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM DAVID EDDY,

Defendant and Appellant.

C070101

(Super. Ct. Nos.
11F2887, 11F3655)

Defendant William David Eddy pleaded no contest to grand theft (Pen. Code, § 487, subd. (a))¹ and felony failure to appear (§ 1320, subd. (b)), and admitted an on bail enhancement (§ 12022.1) in exchange for a stipulated sentence of four years in state prison. Defendant's ensuing appeal is subject to the principles of *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124. In accordance

¹ Undesignated statutory references are to the Penal Code.

with the latter, we will provide a summary of the offense and the proceedings in the trial court.

Between December 10, 2010, and January 4, 2011, defendant unlawfully took property valued at over \$4,000 from Moss Lumber. As a result, defendant was charged with grand theft. (§ 487, subd. (a).) It was also alleged defendant had served three prior prison terms following felony convictions. (§ 667.5, subd. (b).) After being held to answer on those charges, defendant failed to appear. The failure to appear resulted in defendant's being charged with felony failure to appear (§ 1320, subd. (b)), and further allegations that he committed the offense while released on bail or his own recognizance (§ 12022.1) and that he had served three prior prison terms (§ 667.5, subd. (b)). Defendant pleaded no contest to grand theft and failure to appear, and admitted the on bail enhancement in exchange for a stipulated sentence. Defendant was sentenced in accordance with the plea agreement to an aggregate term of four years in state prison and awarded 284 days of presentence custody credits.

Defendant appeals. We appointed appellate counsel for defendant. Counsel has filed an opening brief setting forth the facts of the case and asking us to review the record to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel has also advised defendant 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 not received any 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.

_____ RAYE _____, P. J.

We concur:

_____ BLEASE _____, J.

_____ NICHOLSON _____, J.