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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

THOMAS OWEN CLINE,

Defendant and Appellant.

C071144

(Super. Ct. No. 11F08352)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

On May 31, 2011, defendant Thomas Owen Cline, while under the influence of morphine, amphetamine, methamphetamine and methadone, drove his car at an unsafe speed and collided with the victim, proximately causing bodily injury to the victim. Defendant sustained misdemeanor convictions in 2001 and 2003 for driving under the influence. Due to his previous driving under the influence convictions, defendant was driving with a suspended license on May 31, 2011. Defendant was convicted of robbery in 1979.

Defendant entered a negotiated plea of no contest to driving under the influence with injury (Veh. Code, § 23153, subd. (a)) and admitted two prior driving under the influence convictions within 10 years and a strike prior (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) in exchange for dismissal of the remaining count and a stipulated sentence of four years (the low term of two years, doubled for the strike prior).

The trial court sentenced defendant accordingly. The court awarded 145 days of presentence custody credit, ordered defendant to pay an \$800 restitution fine, an \$800 parole revocation restitution fine, a \$40 court security fee, and a \$30 criminal conviction assessment, and ordered victim restitution in an amount to be determined.

Defendant appeals.

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.

NICHOLSON, Acting P. J.

We concur:

ROBIE, J.

BUTZ, J.