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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

LONNIE COX II,

Defendant and Appellant.

C072562

(Super. Ct. No. CM030808)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required by *Wende*, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

FACTUAL AND PROCEDURAL BACKGROUND

On September 17, 2009, defendant pleaded no contest to bringing a controlled substance (morphine pills) into the Butte County Jail. (Pen. Code, § 4573.) On December 2, 2009, defendant was sentenced to four years in state prison, execution of the

sentence was “stayed,” and he was placed on probation for three years on various terms and conditions.

On September 14, 2010, defendant admitted being in violation of his probation by failing to provide a drug sample as directed by the probation officer. Probation was reinstated and defendant was ordered to serve 180 days in the county jail.

On July 31, 2012, defendant again admitted being in violation of probation, this time by testing positive for cocaine and failing to report to his probation officer as directed. Probation was revoked and the matter was continued for sentencing.

On October 23, 2012, the court declined to reinstate probation, lifted the previously imposed stay of sentence and imposed the four-year prison term, that term to be served in county jail. The court awarded defendant presentence custody credits of 316 days (158 actual, 158 conduct) and imposed other fines and fees as set forth in detail on the abstract of judgment.¹

Factual Basis for Plea and Admissions

Plea Offense

On April 10, 2009, defendant surrendered at the Butte County Jail to serve a 48-hour sentence in case No. SCR-70635 and was found to have stashed a baggie containing morphine tablets on his person.

Probation Offenses

First violation: On or about August 13, 2010, defendant failed to provide a drug sample as directed by the probation officer.

Second violation: On or about September 29, 2011, defendant tested positive for cocaine, and “since October 21, 2011,” he had failed to report to the probation officer as directed.

¹ The court also imposed six-month sentences in two misdemeanor cases to run concurrently with the felony case.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests that this court review the record and determine whether it reflects 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.

We have reviewed the entire record on appeal and find no error that might result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

MURRAY, J.

We concur:

HULL, Acting P. J.

ROBIE, J.