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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

TOMMY RAY JACOBS,

Defendant and Appellant.

C074169

(Super. Ct. No. CM036596)

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

BACKGROUND

On May 5, 2012, at about 3:00 a.m., law enforcement stopped defendant Tommy Ray Jacobs for driving his Ford Explorer with a nonfunctioning head lamp. Defendant was arrested for driving with a suspended license. A search incident to the arrest revealed plastic baggies containing a total of 1.5 grams of methamphetamine and a glass smoking pipe in defendant's pockets.

Defendant entered a plea of no contest to possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a)) and admitted two of the three charged prior

prison term allegations (Pen. Code, § 667.5, subd. (b)).¹ The remaining count (misdemeanor possession of drug paraphernalia) and allegation were dismissed with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754. The court suspended imposition of sentence and granted probation pursuant to Proposition 36. (§§ 1210 et seq.) Defendant appeals. He did not obtain a certificate of probable cause. (§ 1237.5.)

DISCUSSION

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 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.

DUARTE, J.

We concur:

RAYE, P. J.

BLEASE, J.

¹ Further undesignated statutory references are to the Penal Code.