

NOT TO BE PUBLISHED

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

(Sutter)

THE PEOPLE,

Plaintiff and Respondent,

v.

GINO ROBERT YNCLAN,

Defendant and Appellant.

C074203

(Super. Ct. No. CRF130053)

On January 5, 2013, defendant Gino Robert Ynclan knowingly possessed methamphetamine in Sutter County jail.

Defendant pleaded no contest to possession of a controlled substance in county jail (Pen. Code, § 4573.6; undesignated statutory references are to the Penal Code) and admitted he was disqualified from sentencing pursuant to section 1170, subdivision (h) due to a prior serious or violent felony conviction. The trial court sentenced him to a stipulated term of three years in state prison, imposed various fines and fees, and awarded 189 days' presentence credit (95 actual and 94 conduct).

Defendant appeals. He did not obtain a certificate of probable cause.

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. (*People v. Wende* (1979) 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.

_____ HULL _____, J.

We concur:

_____ NICHOLSON _____, Acting P. J.

_____ HOCH _____, J.