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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

BOBBY JOE DWAYNE MILLER,

Defendant and Appellant.

C074357

(Super. Ct. Nos. 13F00095,
13F00271)

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

Case No. 13F00271

On December 26, 2012, defendant took a vehicle without the owner's consent and while driving this vehicle he pulled up to a landscape truck and stole a power blower.

The owner of the blower gave chase and defendant crashed into parked cars and fled the scene.

Case No. 13F00095

On January 3, 2013, defendant took a bait car with the intent to steal it. When stopped, defendant was in possession of shaved keys.

No Contest Pleas and Sentencing

In case No. 13F00271 defendant pleaded no contest to felony auto theft and misdemeanor hit and run. In case No. 13F00095 defendant pleaded no contest to felony auto theft. On both cases, defendant admitted a prior auto theft enhancement for a December 18, 2008 conviction of auto theft and a strike enhancement for a July 11, 2011 residential burglary conviction.

In accordance with the plea agreement, the court imposed an aggregate term of eight years in prison as follows: for the auto theft conviction with a prior auto theft enhancement in case No. 13F00271 defendant was sentenced to the middle term of three years doubled to six years because of the strike;¹ and for the auto theft conviction with a prior auto theft enhancement in case No. 13F00095 the court imposed a consecutive term of one year (one third of the midterm) doubled to two years because of the strike. The court credited defendant with 112 days of presentence custody (56 actual, 56 conduct). The court imposed other fines and fees as set forth in the abstract of judgment.

WENDE REVIEW

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief setting forth the facts of the case and, pursuant to *Wende*, requesting the court to review the record and determine whether there are any arguable issues on appeal. Defendant was advised by counsel of the right to file a supplemental brief within 30 days

¹ For the misdemeanor hit and run conviction, the court sentenced defendant to 120 days, to be served concurrently.

of the date of filing of the opening brief. More than 30 days have 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.

MURRAY, J.

We concur:

BLEASE, Acting P. J.

BUTZ, J.