

NOT TO BE PUBLISHED

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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 R. REIBER,

Defendant and Appellant.

C076539

(Super. Ct. No. 13F00021)

Appointed counsel for defendant Thomas R. Reiber has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

BACKGROUND

On December 28, 2012, “in the middle of the night,” defendant attempted to evade law enforcement officers by driving a motor vehicle in excess of 100 miles per hour on the freeway, with the vehicle’s lights turned off. Defendant “ran red lights [and] a stop

sign” before exiting the freeway and colliding with another motor vehicle. Defendant then drove the vehicle into “a brushy area,” got out of the vehicle, and attempted to flee on foot.

The People later charged defendant with felony evading a peace officer (Veh. Code, § 2800.2, subd. (a)), misdemeanor hit and run (Veh. Code, § 20002, subd. (a)), and resisting a peace officer (Pen. Code, § 148, subd. (a)(1)). The People also alleged defendant was twice previously convicted of strike offenses and previously served seven prison terms, as described in Penal Code, section 667.5, subdivision (b). Defendant pleaded no contest to the charges.

The trial court denied defendant’s motion to strike his prior strike convictions. The court then sentenced defendant to serve an aggregate term of nine years eight months in state prison. The court ordered defendant to pay various fines and fees, and awarded him 716 days of custody credit. Defendant appeals without a certificate of probable cause.

DISCUSSION

Counsel filed an opening brief setting forth the facts of the case and requests that we 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.

_____/s/
HOCH, J.

We concur:

_____/s/
BLEASE, Acting P. J.

_____/s/
BUTZ, J.