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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN MATTHEW FERGUSON,

Defendant and Appellant.

C078676

(Super. Ct. No. SF129837A)

Following defendant's plea of no contest to possession of methamphetamine in prison, the trial court sentenced defendant John Matthew Ferguson to two years in prison. Defendant's appointed counsel has asked this court to review the record to determine whether there are 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 affirm the judgment. We provide the following brief description of the factual and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

FACTUAL AND PROCEDURAL BACKGROUND

In August 2014, defendant was an inmate at Deuel Vocational Institute in San Joaquin County. On August 22, 2014, defendant had in his possession nine bindles of methamphetamine, one of which weighed 0.163 grams net.

The People charged defendant with possession of methamphetamine in prison. (Pen. Code, § 4573.6.) The People also alleged defendant was previously convicted of making criminal threats, a strike felony. (Pen. Code, §§ 1170.12, subd. (b), and 667, subd. (d).)

Defendant pled no contest to the possession charge. In exchange, the People moved to strike the allegation of defendant's prior strike conviction, and agreed to the term of two years in state prison, which would be served consecutive to the prison term he was already serving.

The trial court sentenced defendant according to the terms of his plea and granted the People's motion to strike the allegation of defendant's prior strike conviction. The court imposed various fines and fees and, over defendant's objection, ordered that he would not be awarded any custody credits.

Defendant appeals without a certificate of probable cause.

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 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.

RENNER _____, J.

We concur:

HULL _____, Acting P. J.

MURRAY _____, J.