

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

WORTHY DON STEPHENS,

Defendant and Appellant.

C080513

(Super. Ct. No. NCR94706)

Appointed counsel for defendant Worthy Don Stephens has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

BACKGROUND

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.)

In May 2015, defendant was in a solo motorcycle accident. He was intoxicated, and the officer found a loaded .22-caliber pistol wrapped in a handkerchief in defendant's back pocket. Defendant pleaded guilty to possession of a firearm by a felon and admitted a prior strike conviction. (Pen. Code, §§ 29800, subd. (a)(1), 1170.12, subds. (a)-(d), 667, subds. (b)-(i).)¹ The court dismissed the remaining charges of driving under the influence and an enhancement for three prior prison terms. (§ 667.5, subd. (b); Veh. Code, § 23152, subds. (a) & (b).)

Per the parties' agreement, defendant was sentenced to the midterm of two years, doubled pursuant to the strike, and awarded five days of presentence custody credit. The trial court imposed a \$400 restitution fine (§ 1202.4), a corresponding parole revocation fine suspended unless parole is revoked (§ 1202.45), a \$40 court operations fee (§ 1465.8), and a \$30 conviction assessment (Gov. Code, § 70373). Defendant did not obtain a certificate of probable cause.

DISCUSSION

Counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant 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. We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

¹ Undesignated statutory references are to the Penal Code.

/s/
Blease, Acting P. J.

We concur:

/s/
Butz, J.

/s/
Renner, J.