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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

FABIO KINDT,

Defendant and Appellant.

D061752

(Super. Ct. Nos. SCS246262,
SCD220765, SCS199086,
SCS242317)

APPEAL from an order of the Superior Court of San Diego County, Esteban Hernandez, Judge. Affirmed.

Fabio Kindt appeals the trial court's denial of his motion to correct the abstract of judgment to award him additional presentence custody credits. Appointed counsel filed a brief pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*) and *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) that raised no claims of error. Kindt did not respond to our invitation to file a supplemental brief. Having reviewed the record and found no reasonably arguable issues, we affirm.

I

FACTUAL AND PROCEDURAL BACKGROUND

Kindt was convicted of robbery (Pen. Code, § 212.5)¹ and was sentenced to a two-year term of imprisonment. The trial court awarded 97 days of actual custody credit and 14 days of credit pursuant to section 2933.1. Acting in propria persona, Kindt filed a motion with the trial court to correct the abstract of judgment to award additional presentence custody credits. The trial court denied the motion on the ground that Kindt had been convicted of a violent felony as identified in section 667.5, subdivision (c) which, pursuant to section 2933.1, limited the available presentence credit to 15 percent of actual time. A notice of appeal was filed from the denial of the motion.

II

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and the proceedings in the trial court. Counsel presented no argument for reversal, but invited this court to review the record for error in accordance with *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, counsel identified as a possible but not an arguable issue whether "[a]ppellant was entitled to additional presentence custody credits based upon the law in effect at the time of his sentence, June 2, 2011." After we received counsel's brief, we gave Kindt an opportunity to file a supplemental brief, but he did not respond.

¹ All further statutory references are to the Penal Code.

A review of the record pursuant to *Wende, supra*, 25 Cal.3d 436, and *Anders, supra*, 386 U.S. 738, including the issue suggested by counsel, has disclosed no reasonably arguable appellate issue. Kindt has been adequately represented by counsel on this appeal.

DISPOSITION

The order is affirmed.

IRION, J.

WE CONCUR:

BENKE, Acting P.J.

HALLER, J.