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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

TROY MICHAEL BEAVERS,

Defendant and Appellant.

E055971

(Super.Ct.No. SWF1200136)

OPINION

APPEAL from the Superior Court of Riverside County. Stephen J. Gallon, Judge.

Affirmed

Neil Auwarter, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

On January 10, 2012, an amended felony complaint charged defendant and appellant Troy Michael Beavers with possessing methamphetamine under Health and

Safety code section 11377, subdivision (a) (count 1); being under the influence of a controlled substance under Health and Safety Code section 11550, subdivision (a) (count 2); and unlawful possession of narcotic paraphernalia under Health and Safety Code section 11364, a misdemeanor (count 3). The complaint also alleged two prior prison terms under Penal Code section 667.5, subdivision (b), and a prior felony strike under Penal Code section 667, subdivisions (c) and (e)(1).

Pursuant to a written plea agreement, defendant pled guilty to count 1 and admitted the prior felony strike allegation. In exchange, the parties stipulated to a prison term of 32 months (the low term of 16 months, doubled under the three strikes law) and a dismissal of the remainder of the complaint. The plea further stipulated that the sentence would run concurrent with the sentence in case No. SWF1200277.

The trial court imposed the agreed-upon sentence of 32 months, and awarded presentence custody credits of 19 actual days plus 18 days of conduct credits.

On March 27, 2012, defendant filed a timely notice of appeal, challenging the sentence or other matters not affecting the validity of the plea.

STATEMENT OF FACTS

At the hearing wherein defendant pled guilty, the court asked the prosecutor to take the factual basis of the plea. The prosecutor then asked, “Is it true that on or about January 9th, 2012 in Riverside County, State of California, you willfully, unlawfully, had within your possession a usable quantity of a substance you knew to be methamphetamine?” Defendant replied, “Yes[.]” Thereafter, defense counsel joined in

the taking of the factual basis of the plea, and the trial court found a factual basis for the plea. As for the prior felony strike allegation, defendant admitted that the strike was based on a 1998 conviction for making criminal threats.

ANALYSIS

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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MCKINSTER
J.

We concur:

HOLLENHORST
Acting P. J.
RICHLI
J.