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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.

DIANA DEE HAMLIN,

Defendant and Appellant.

E056550

(Super.Ct.Nos. FVI1102017 &
FVI1102494)

OPINION

APPEAL from the Superior Court of San Bernardino County. Jules E. Fleuret,
Judge. Affirmed.

John Ward, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

The San Bernardino County District Attorney filed two informations against
defendant and appellant Diana Dee Hamlin on the same day. In case no. FVI1102017,
defendant was charged with driving under the influence of alcohol or drugs, with a prior
conviction for the same offense within 10 years. (Veh. Code, §§ 23152, subd. (a), 23550,

23550.5, count 1). In case No. FVI1102494, defendant was charged with possession of a controlled substance. (Health & Saf. Code, § 11350, subd. (a), count 1.) Both informations alleged that she had a prior strike conviction (Pen. Code, §§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)), and that she had served three prior prison terms (Pen. Code, § 667.5, subd. (b)).¹ Defendant entered plea agreements in both cases and pled no contest to both counts. She admitted the underlying conviction to count 1 in case No. FVI1102017. She also admitted the prior strike conviction. On both cases, the court dismissed the remaining allegations and sentenced defendant to the low term of 16 months in state prison, doubled pursuant to the strike conviction. The court awarded her a total of 261 custody credits² and ordered the 32-month terms to be served concurrent to each other.

Defendant filed a notice of appeal and a request for certificate of probable cause, which the trial court denied. We affirm.

FACTUAL BACKGROUND

At the plea hearing, the parties stipulated that the court could find a factual basis for the pleas from the preliminary hearing transcript, the information, and the police

¹ The copy of the information in case No. FVI1102494 contained in the record on appeal is incomplete. However, the information summary indicates that the information alleged that defendant suffered a prior strike conviction and three prison priors. The plea agreement reflects the same.

² The court awarded defendant 175 days of actual credit for time served plus 86 days of conduct credit, but stated the total was 262 days of presentence credit. The total was corrected to state a total of 261 credits in the sentencing minute orders and abstracts of judgment.

report in both cases. The following summary of facts is taken from the transcript of the preliminary hearing:

On May 13, 2011, Officer Eric Getts received a report of a reckless driver. He located the driver, defendant, and observed her driving erratically. He initiated a traffic stop. A blood draw indicated the presence of cocaine, opiates, metabolites, and benzodiazepines.

On October 29, 2011, a police officer contacted defendant and determined that she had outstanding warrants. Upon searching her, he located three pipes, which appeared to be used for smoking methamphetamine and base cocaine. He collected a substance from two of the pipes, which was tested and determined to be base cocaine.

DISCUSSION

Defendant appealed and, upon her request, this court appointed counsel to represent her. 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 and no potential arguable issues. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which she has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have now concluded our independent review of the record and found no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

KING
J.

CODRINGTON
J.