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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.

PAUL J. BUDINICH,

Defendant and Appellant.

E058484

(Super.Ct.No. FWV1203016)

OPINION

APPEAL from the Superior Court of San Bernardino County. Cara D. Hutson,
Judge. Affirmed.

Beatrice C. Tillman, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Paul J. Budinich was charged by felony complaint with
possession of methamphetamine. (Health & Saf. Code, § 11377, subd. (a), count 1.) The
complaint also alleged that he had a prior strike conviction (Pen. Code, §§ 1170.12,
subds. (a)-(d), 667, subds. (b)-(i)), that he was eligible for imprisonment in the state

prison due to a prior serious or violent felony conviction (Pen. Code, § 1170, subd. (h)(3)), and he was not eligible for probation (Pen. Code, § 1203, subd. (e)(4)). Defendant entered a plea agreement and pled no contest to count 1. In accordance with the plea agreement, the court dismissed the remaining allegations, sentenced him to three years in state prison, and awarded 140 days of presentence custody credits. Pursuant to the agreement, defendant also admitted that, in case no. FWV1002080, he violated the term of his probation that he violate no law. The court revoked his probation and sentenced him to two years in state prison, with credit for time served of 178 days, to run concurrent to the term imposed in the instant case.

Defendant filed a timely notice of appeal. We affirm.

FACTUAL BACKGROUND

Counsel stipulated that the police report and complaint provided a factual basis for the plea. On November 29, 2012, the police received a report that defendant was walking in and around cars, using a flashlight, in the early morning hours. Defendant got into a car and left the area. The officer responding to the call located defendant and conducted a traffic stop. The officer asked to search his car, and defendant consented. The officer found a glove in the car that contained a dime-sized piece of a white crystalline substance, which he recognized as methamphetamine.

ANALYSIS

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 [87 S.Ct. 1396, 18 L.Ed.2d

493] setting forth a statement of the case and one potential arguable issue: whether defendant was sentenced in accordance with his plea agreement. 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 he has not done. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error.

We have now concluded our independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

McKINSTER
J.

MILLER
J.