

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DANNY JEROME CONLEY,

Defendant and Appellant.

E062559

(Super.Ct.No. RIF1404809)

OPINION

APPEAL from the Superior Court of Riverside County. Steven G. Councilis,
Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

Defendant and appellant Danny Jerome Conley pled guilty to transporting cocaine
base (count 2, Health & Saf. Code, § 11352), admitted an allegation he had a prior felony
conviction under Health and Safety Code section 11352 (Health & Saf. Code, § 11370.2,

subd. (a)), admitted a prior strike conviction for robbery in Nebraska (Pen. Code §§ 667, subds. (c) & (e)(1), 1170.12, subd. (c)(1)), and admitted an allegation he had violated mandatory supervision (Pen. Code §§ 1170, subd. (h) & 1203.2, subd. (b)). Pursuant to his plea agreement, the court sentenced defendant to an aggregate, determinate term of nine years incarceration.

Defendant filed a notice of appeal challenging the validity of the plea on the basis that defense counsel failed to file a motion to strike the prior strike conviction allegation. The court denied defendant's request for a certificate of probable cause. Appellate counsel subsequently filed an amended notice of appeal challenging the sentence.

This court appointed counsel to represent defendant. 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, requesting this court undertake a review of the entire record, and identifying one potentially arguable issue: whether defendant's Nebraska conviction meets the criteria for a prior strike conviction in California. We affirm.

PROCEDURAL HISTORY

On October 31, 2014, the People charged defendant by felony complaint with possessing cocaine base for sale (count 1, Health & Saf. Code, § 11351.5), transporting cocaine base (count 2, Health & Saf. Code, § 11352), and driving on a license suspended or revoked for driving under the influence of drugs or alcohol (count 3, Veh. Code § 14601.2). As to each count, the People alleged defendant had sustained a prior felony

conviction for transporting controlled substances for sale. (Health & Saf. Code, § 11370.2, subd. (a)). The People additionally alleged defendant had suffered 11 prior prison terms (Pen. Code, § 667.5, subd. (b)), one prior strike conviction (Pen. Code, §§ 667, subds. (c) & (e)(1), 1170.12, subd. (c)(1)), and had violated the terms of his mandatory supervision (Pen. Code, §§ 1170, subd. (h) & 1203.2, subd. (b)).

On the same date, defendant pled guilty as noted *ante*. Defendant's admission that he had transported cocaine base in a usable amount constituted the factual basis for his plea. The court sentenced defendant as noted *ante*.

DISCUSSION

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 independently reviewed the record for potential error and find no arguable issues. (See *People v. Jones* (1995) 37 Cal.App.4th 1312, 1316 [An on-the-record oral admission of the prior conviction allegation constitutes sufficient evidence to support the prior conviction allegation.]; See also *People v. McGuire* (1993) 14 Cal.App.4th 687, 697, fn. 12 [guilty plea concedes all elements of offense, establishing sufficiency of the evidence of guilt]; *People v. Maultsby* (2012) 53 Cal.4th 296, 304, fn. 6.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

McKINSTER
Acting P. J.

We concur:

KING
J.

MILLER
J.