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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.

KEVIN GLENN COMPTON,

Defendant and Appellant.

E064716

(Super.Ct.No. FVI1403356)

OPINION

APPEAL from the Superior Court of San Bernardino County. Raymond L. Haight III, Judge. Affirmed.

Forest M. Wilkerson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

On October 22, 2014, a second amended felony complaint charged defendant and appellant Kevin Glenn Compton as follows: Possession of a controlled substance under Health and Safety Code section 11377, subdivision (a) on January 5, 2014 (count 1);

possession for sale of a controlled substance under Health and Safety Code section 11378 on April 24, 2014, May 28, 2014, May 30, 2014, June 27, 2014, and August 29, 2014 (counts 2, 3, 4, 7, 10); possession of a firearm by a felon under Penal Code section 29800, subdivision (A)(1) on May 30, 2014, and July 16, 2014 (counts 5, 9); possession of ammunition by a prohibited person under Penal Code section 30305, subdivision (a)(1) on May 30, 2014, and June 27, 2014 (counts 6, 8).

The complaint also alleged that counts 2 through 10 were committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members under Penal Code section 186.22, subdivision (b)(1)(A). Moreover, the complaint alleged that defendant had two prior strike convictions: criminal threats (Pen. Code, § 422), with a conviction date of June 30, 2003; and intimidating a witness (Pen. Code, § 136.1, subd. (a)(1)), with a conviction date of December 20, 2013. The complaint further alleged that defendant had served a prior prison term for possession of a firearm by a felon, having not remained free from prison for five years (Pen. Code, § 667.5, subd. (d)).

On October 23, 2014, defendant was arraigned on the amended complaint. He entered not guilty pleas as to all counts and denied allegations that he suffered two prior strike convictions and a prison prior.

On January 7, 2015, defendant moved to remove the public defender from his case and requested to represent himself. The court advised defendant on the risks and perils of self-representation; defendant waived his right to an attorney.

On June 11, 2015, defendant filed a notice of motion for violation of due process rights.

On August 26, 2015, defendant entered into a plea agreement. Pursuant to the plea agreement, defendant entered a guilty plea as to counts 2 through 9. He also admitted that he suffered a strike prior for his criminal threats conviction. As part of the agreement, defendant initialed the box stating, “I waive and give up any right to appeal from any motion I may have brought or could bring and from the conviction and judgment in my case since I am getting the benefit of my plea bargain.”

On September 24, 2015, the trial court sentenced defendant to 15 years four months in state prison. Counts 1 and 10, the gang allegation, the strike prior for intimidating a witness, and the prison prior were all dismissed pursuant to the plea agreement.

On November 3, 2015, defendant filed an amended notice of appeal. In the notice, he indicated that the “appeal is based on the sentence or other matters occurring after the plea.” Defendant did not request a certificate of probable cause.¹

DISCUSSION

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

¹ The parties stipulated that the police reports and the “CII printout” in the file would constitute a factual basis for defendant’s plea. Because defendant is only challenging the sentence or other matters occurring after the plea, a statement of the underlying facts is not relevant to this appeal.

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 independently reviewed the record for potential error and find no error.

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

McKINSTER
Acting P. J.

CODRINGTON
J.