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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON LEE MITCHEM,

Defendant and Appellant.

F061708

(Super. Ct. No. F10904564)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Arlan L. Harrell, Judge.

Jean M. Marinovich, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Cornell, Acting P.J., Dawson, J., and Kane, J.

STATEMENT OF THE CASE

Appellant, Jason Lee Mitchem, executed a change of plea form, waiving his constitutional rights on November 5, 2010, pursuant to *Boykin/Tahl*.¹ Appellant pled guilty to a felony possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)).² Under the terms of the plea agreement, appellant would receive a prison term of eight months imposed consecutively to his sentence in case No. F09906557, an unrelated action.

The same day that appellant pled guilty, the court imposed a prison term of eight months, which was made consecutive to appellant's sentence in the unrelated action. In August 2011, appellant obtained an amended abstract of judgment from the trial court increasing his conduct custody credits to match his actual custody credits. Appellant received 214 days in total custody credits.

Appellant's original brief was stricken upon a request from appellate counsel. Appellant filed a new brief on September 29, 2011, pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). After review of the record, we affirm the judgment.³

APPELLATE COURT REVIEW

Appellant's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*Wende, supra*, 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that appellant was advised he could file his own brief with this court. By letter on September 29, 2011, we invited appellant to submit additional briefing. To date, he has not done so.

¹ *Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3d 122.

² In addition to waiving his constitutional rights in the change of plea form, appellant was advised of his rights by the trial court and expressly waived them on the record.

³ The parties stipulated to a factual basis for the plea based on the crime reports, without a recitation of facts.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The judgment is affirmed.