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

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT ALLEN WEST,

Defendant and Appellant.

F064183

(Super. Ct. No. BF136303A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Michael G. Bush, Judge.

Deborah Prucha, 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 Levy, Acting P.J., Cornell, J., and Kane, J.

On August 23, 2011, appellant, Robert Allen West, pled no contest to the offense commonly known as petty theft with a prior (Pen. Code, § 666)¹ and admitted enhancement allegations that he had served three separate prison terms for prior felony convictions. He entered his plea with the understanding that he would receive a sentence of four years, with two years to be served in custody and two years on mandatory supervision (§ 1170, subd. (h)(5)(B)). On October 25, 2011, the court struck one of appellant's prior prison term enhancements and imposed the agreed upon four-year term as a split sentence, with two years to be served in Kern County Jail and the remaining two years on mandatory supervision.

Insofar as the record reveals, appellant did not request, and the court did not issue, a certificate of probable cause.

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d. 436.) Appellant has not responded to this court's invitation to submit additional briefing.

FACTS²

On March 14, 2011, a Kern County Sheriff's deputy, responding to a report of a theft in progress, made contact, initially, with Roy Thomas and Bobby Crocker. Thomas told the deputy the following: Upon hearing a "loud banging noise outside," he went outside his residence and saw a vehicle leaving at a high rate of speed. Crocker told Thomas someone had stolen his generator. Thomas got in his vehicle and, following an "oil trail," drove to a residence where he saw appellant. Appellant "unchain[ed] the generator from a vehicle," got in the vehicle and "start[ed] to drive out of the driveway, at

¹ All statutory references are to the Penal Code.

² Our factual statement is taken from the report of the probation officer.

which point Thomas, with his vehicle, blocked appellant from driving out of the driveway.

The deputy then made contact with appellant, who stated that someone had stolen his vehicle “minutes ago” and had returned it “with a generator attached to a chain on the rear of his vehicle.”

Appellant suffered convictions of second degree burglary (§§ 459, 460, subd. (b)) in 1994 and grand theft (§ 487, subd. (a)) in 2000. In 2004, he suffered a conviction of either grand theft, in violation of section 487, subdivision (a) or grand theft from a person (§ 487, subd. (c)).³ Appellant served a separate prison term for each of these convictions.

DISCUSSION

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

DISPOSITION

The judgment is affirmed.

³ The record is unclear on this point. The report of the probation officer indicates appellant suffered one conviction in 2004, for a violation of section 487, subdivision (a), whereas one of the prior prison term enhancement allegations appellant admitted was based on a 2004 conviction of violating section 487, subdivision (c).