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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDREW SPENCER,

Defendant and Appellant.

H043363

(Santa Clara County

Super. Ct. No. C1524559)

The record contains no information about the facts of the offenses.¹ Defendant Andrew Spencer was charged by felony complaint with possession of methamphetamine for sale (Health & Saf. Code, § 11378), and it was further alleged that he had possessed more than an ounce of methamphetamine (Pen. Code, § 1203.073, subd. (b)(2)),² suffered two prior possession for sale convictions (§ 1203.07, subd. (a)(11); Health & Saf. Code, § 11370.2, subd. (c)), and served a prison term for a prior felony conviction (§ 667.5, subd. (b)). The complaint also alleged that defendant had committed five misdemeanor offenses: being under the influence of methamphetamine with three prior being under the

¹ This was a “waived referral” case, so there is no probation report. The probation officer’s memorandum contains no information about the circumstances of defendant’s crimes.

² Subsequent statutory references are to the Penal Code unless otherwise specified.

influence convictions (Health & Saf. Code, § 11550, subd. (a)); possession of controlled substance paraphernalia (Health & Saf. Code, § 11364); possession of burglar tools (§ 466); driving with a suspended license (Veh. Code, § 14601.1, subd. (a)); and felon in possession of tear gas (§ 22810, subd. (a)).

Defendant waived his right to a preliminary examination. He pleaded no contest to all six counts and admitted all of the prior conviction, prison prior, and weight allegations in exchange for an agreed sentence of six years, which was to consist of 18 months in jail and four years and six months of mandatory supervision. The court orally imposed the agreed sentence, but the abstract of judgment states that the court imposed a sentence of 16 months in jail and four years and eight months of mandatory supervision. The court also imposed the minimum required fines and fees. Defendant timely filed a notice of appeal challenging only his sentence.

Appointed appellate counsel has filed an opening brief which states the case but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Elia, Acting P. J.

Bamattre-Manoukian, J.

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