

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

CODY BURBANK,

Defendant and Appellant.

2d Crim. No. B298703  
(Super. Ct. No. 19F-01316)  
(San Luis Obispo County)

Cody Burbank appeals an order denying his motion to withdraw his plea after he waived preliminary hearing and pled no contest to manufacturing a controlled substance (tetrahydrocannabinol; Health & Saf. Code, § 11379.6, subd. (a)), with a *Cruz* waiver (*People v. Cruz* (1988) 44 Cal.3d 1247, 1254, fn. 5 [waiver reflecting appellant's understanding that he would be sentenced to maximum term of seven years state prison if he failed to appear for sentencing]). Pursuant to the negotiated plea, appellant was granted felony probation with 180 days county jail.

Before sentencing, appellant filed a motion to withdraw his plea on the ground that he was not advised of his speedy arraignment rights and mistreated at county jail. The probation report reflected that appellant was arrested for operation of a butane honey oil conversion lab, and possession of methamphetamine and ammunition. Denying the motion to withdraw the plea, the trial court found that the moving papers failed to establish duress and that, although five days elapsed between appellant's arrest and arraignment, appellant was not prejudiced.

This appeal followed and counsel was appointed to represent appellant. After counsel's examination of the record, he filed an opening brief raising no issues. On November 12, 2019, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

YEGAN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Craig Van Rooyen, Judge

Superior Court County of San Luis Obispo

---

Earl E. Conaway, III, under appointment by the Court of  
Appeal for Defendant and Appellant.

No appearance for Respondent.