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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

DANNY PAUL SPEER,

Defendant and Appellant.

2d Crim. No. B267540
(Super. Ct. No. 2015002126)
(Ventura County)

Danny Paul Speer appeals a grant of probation following his conviction of possession of illegal substances in jail (count 1), misdemeanor resisting a police officer (count 2), and misdemeanor possession of drug paraphernalia (count 3), with findings that he suffered a felony strike conviction and served four prison terms. (Pen. Code, §§ 4573.6, 148, subd. (a)(1); Health & Saf. Code, § 11364, subd. (a); §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d), 667.5, subd. (b).)¹

During a court trial, the prosecutor presented evidence that on January 21, 2015, Ventura police officers attempted to detain Speer for riding his bicycle in violation of the traffic laws. Speer fled the officers who apprehended him shortly thereafter. When the officers searched Speer, they found a methamphetamine pipe in his clothing pocket. Later, during the jail booking process, Speer discarded a bag of methamphetamine that he had concealed in his shoe.

¹ All further statutory references are to the Penal Code unless stated otherwise.

The prosecutor also presented evidence that Speer suffered a serious felony strike conviction and served four prison terms. (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d), 667.5, subd. (b).)

The court found Speer guilty of the charged counts and found the serious felony strike conviction and prior prison term allegations true. The court struck the strike conviction pursuant to section 1385, subdivision (a), and *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497. It then imposed a four-year prison term but suspended execution of sentence and granted Speer 36 months formal probation, with terms and conditions including payment of fines and fees and referral to drug court. The court awarded Speer 404 days of presentence custody credit.

We appointed counsel to represent Speer in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On April 7, 2016, we advised Speer that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. Our letter has been returned as undeliverable and we have not received a response.

We have reviewed the entire record and are satisfied that Speer's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Nancy Ayers, Judge
Superior Court County of Ventura

Laurie A. Thrower, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.