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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL KELLEY,

Defendant and Appellant.

B248328

(Los Angeles County
Super. Ct. No. NA092929)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Tomson T. Ong, Judge. Affirmed.

Hancock and Spears and Alan E. Spears, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

BACKGROUND

Defendant Michael Kelley was charged with one count of carrying a dirk or dagger (Pen. Code, § 21310)¹ and five prior prison terms (§ 667.5, subd. (b)). According to the probation report, officers conducted a parole search of defendant and recovered a knife with a fixed blade locked in position. On August 3, 2012, defendant pled guilty to the charge, and admitted the priors. He was sentenced to eight years in state prison. Execution of sentence was suspended, and he was placed on probation for three years and ordered to serve 365 days in the county jail.

On February 27, 2013, defendant admitted he was in violation of probation based on his possession of methamphetamine. The trial court terminated probation and imposed the suspended eight-year sentence, with credit for 288 actual days plus 148 days conduct credit. Defendant appealed from the judgment.

After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441.

Defendant was advised of his right to file a supplemental brief within 30 days raising any contentions that he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that no arguable issues exist, and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

¹ All section references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.