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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.

BRETT MCKINLEY LUIS,  
Defendant and Appellant.

2d Crim. No. B272455  
(Super. Ct. No. 1489849)  
(Santa Barbara County)

Brett McKinley Luis appeals the judgment entered after he pled no contest to possessing methamphetamine for sale (Health & Saf. Code, § 11378). Appellant also admitted suffering a prior strike conviction and two prior felony narcotic convictions (Pen. Code, §§ 667, subds. (d)(1) & (e)(1), 1170.12, subds. (b)(1) & (c)(1); Health & Saf. Code, § 11370.2, subd. (a)) and serving two prior prison terms (Pen. Code, § 667.5, subd. (b)). The plea agreement contemplated that he would be sentenced to eight years in state prison. The agreement further provided, however, that appellant would be released from custody for two weeks prior to sentencing and be fitted with a GPS tracking device.

Appellant executed a *People v. Cruz* (1988) 44 Cal.3d 1247, waiver reflecting his understanding that he would be sentenced to the maximum term of 13 years if he failed to appear for sentencing.

Appellant removed his tracking device and failed to appear for sentencing. He was apprehended about a month later. The court sentenced him to 13 years in state prison in accordance with the Cruz waiver, consisting of the upper term of three years doubled for the strike prior, three years for each of the two prior narcotic convictions, and one year for the prison prior.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, counsel filed an opening brief in which no issues were raised. On August 5, 2016, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. We received no response.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443.)

The judgment is affirmed.

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PERREN, J.

We concur:

YEGAN, Acting P. J.

TANGEMAN, J.

Rogelio R. Flores, Judge  
Superior Court County of Santa Barbara

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California Appellate Project, Jonathan B. Steiner and  
Richard B. Lennon, under appointment by the Court of Appeal,  
for Defendant and Appellant.

No appearance by Respondent.