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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

FRED WATSON DAVIS,

Defendant and Appellant.

B251999

(Los Angeles County  
Super. Ct. No. TA128051)

APPEAL from a judgment of the Superior Court of Los Angeles County, Laura R. Walton, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

\* \* \* \* \*

Fred Watson Davis appeals from a judgment of conviction following his no contest plea to one count of possessing cocaine. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting that this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

### **PROCEDURAL HISTORY**

Appellant was charged with possessing cocaine. (Health & Saf. Code, § 11350, subd. (a).) Two prior convictions were alleged as "strikes" (Pen. Code, §§ 667, subds. (b)-(i), 1170.12), and those convictions, plus three others, were alleged as prior prison term enhancements (Pen. Code, § 667.5, subd. (b)). Appellant waived his trial rights and pled no contest to the possession charge and admitted a probation violation. The remaining allegations were dismissed. He was sentenced to a low term of 16 months in county jail and given various fines and fees, as well as 86 days of custody credits.

He timely appealed and requested a certificate of probable cause alleging errors in the calculation of his custody credits and his release date. The trial court granted the certificate of probable cause. The trial court subsequently corrected the sentencing minute order to grant appellant 108 days of custody credits and ordered the court clerk to send an amended abstract of judgment to the Department of Corrections and Rehabilitation.

### **STATEMENT OF FACTS**

Because there was no trial, we take the facts from the preliminary hearing transcript. A detective for the Los Angeles County Sheriff's Department saw appellant drop an item at his feet in the street, which was recovered and later determined to be "rock" cocaine.

### **DISCUSSION**

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On

March 13, 2014, we advised appellant he had 30 days to submit any contentions or issues he wished us to consider.<sup>1</sup> Appellant did not file a supplemental brief.

We have examined the entire record. We are satisfied no arguable issues exist and appellant's counsel has fully satisfied his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see also *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

### **DISPOSITION**

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.

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<sup>1</sup> We originally notified appellant on February 21, 2014, but the notice was returned in the mail. We resent the notice on March 13, 2014, and to date have received no response from appellant.