

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

MICHAEL KARL McNEIL,

Defendant and Appellant.

2d Crim. No. B237660
(Super. Ct. No. GA074192)
(Los Angeles County)

Michael Karl McNeil appeals from an October 31, 2011 post-judgment order denying his motion to stay a five-year sentence enhancement (Pen. Code, § 667, subd. (a)(1)).¹ Pursuant to a negotiated plea, appellant entered a no contest plea to six criminal threats counts (§ 422) and three counts of attempted criminal threats (§§ 664/422), and admitted suffering a Three Strikes prior strike conviction (Pen. Code, §§ 667, subds. (b) – (i); 1170.12, subds. (a) – (d)) and a serious felony conviction (§ 667, subd. (a)). The trial court sentenced appellant to 19 years 8 months state prison and ordered appellant to pay a \$200 restitution fine (§ 1202.4, subd. (b)), a \$200 parole revocation fine (§ 12022.45), and a \$40 court security assessment (§ 1465.8, subd. (a)(1)) and a \$30 criminal conviction assessment (Gov. Code, § 70373) on each count.

On September 26, 2011, three months after imposition of sentence, appellant filed a pro se "Motion to Stay Charges That Violate Penal Code Section 654, Same Crime Punished Different Ways." The trial court denied the motion on October 31, 2011 and

¹ Unless otherwise stated, all statutory references are to the Penal Code.

denied appellant's petition for writ of mandate, petition for habeas corpus, request for appointed counsel, and request for certificate of probable cause.

Appellant also filed a September 30, 2011 pro se "Motion to Stay 5 Year Enhancement Under 667(a)(1)(2), California Rules of Court 4.447," which was denied October 3, 2011. The trial court's minute order stated that the five-year enhancement "cannot be stayed or stricken," citing section 667, subdivision (a)(1).)

Appellant filed a notice of appeal on November 29, 2011.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised.

On February 7, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On February 15, 2012, appellant submitted a supplemental brief contending, among other things, that his 6th Amendment rights were violated at a preliminary hearing, that he was denied effective assistance of counsel, and the trial court committed sentencing errors. None of these contentions are supported by the record. (*Strickland v. Washington* (1984) 466 U.S. 668, 687 [80 L.Ed.2d. 674, 693]; *People v. Bolin* (1998) 18 Cal.4th 297, 333.)

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; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Laura F. Priver, Judge
Superior Court County of Los Angeles

Christopher Nalls, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Respondent.