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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

BILLY JOE BRIGHT,

Defendant and Appellant.

B238802

(Los Angeles County
Super. Ct. No. TA113871)

APPEAL from a judgment of the Superior Court of Los Angeles County. Eleanor J. Hunter, Judge. Affirmed.

Carey D. Gorden, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On August 4, 2011, Billy Joe Bright entered a negotiated plea of no contest to possession of cocaine base and admitted allegations that he had three prior “strike” convictions and had served three prior prison terms within the scope of Penal Code section 667.5, subdivision (b). (Undesignated date references pertain to 2011.) The trial court granted defendant’s motion under *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 529–530, with respect to all three of defendant’s admitted strikes. In conformity with the plea agreement, the trial court imposed, but suspended execution of, a six-year term, consisting of the high term of three years plus one year for each prior prison term enhancement. The court placed defendant on formal probation for three years upon conditions that included reporting to the probation department immediately upon release from jail and thereafter reporting monthly. The court expressly and repeatedly warned defendant that it would revoke his probation for any violation, even a minor one.

On October 27, the probation department filed with the court a notice of violation stating, inter alia, that defendant had last reported to probation on August 22. The trial court summarily revoked defendant’s probation. On January 25, 2012, the trial court held a formal probation revocation hearing at which two probation officers testified that defendant had reported to probation twice, with the second occasion being August 22. Defendant testified that he had reported to the probation department on August 15 and August 22. On August 22 he was told Officer Lazarius was his probation officer and given a phone number for Lazarius. Thereafter, defendant unsuccessfully tried to reach Lazarius by phone for a few weeks. Eventually, defendant spoke to Lazarius, who told defendant his probation officer was Reed. Defendant tried to reach Reed by telephone for some time, then went to the probation office to see Reed, but was told she was on vacation until November 2. Defendant then testified that this visit to attempt to see Reed occurred three to five days after he had last reported on August 22.

The court expressly found defendant's testimony was not credible, revoked his probation for failure to report to probation monthly, and imposed the previously suspended prison term.

On August 8, 2012, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, we have received no response.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

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MALLANO, P. J.

We concur:

CHANEY, J.

JOHNSON, J.