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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.

KERRY CONRAD BINGER,

Defendant and Appellant.

2d Crim. No. B278829
(Super. Ct. No. 1495138)
(Santa Barbara County)

Appellant Kerry Conrad Binger was charged with conspiring to provide legal services and interfering with an attorney-client relationship (Pen. Code, § 182, subd. (a)(5)),¹ entering the grounds of a jail without authority (§ 4571), bringing drugs into a jail (§ 4573), grand theft (§ 487, subd. (a)), and engaging in the unauthorized practice of law (Bus. & Prof. Code, § 6126, subd. (a)). A prior federal conviction for bank robbery (18 U.S.C. § 2113(a)) was alleged as a prior “strike.” (§§ 667,

¹ All further statutory references are to the Penal Code unless otherwise stated.

1170.12.) Two prior convictions for petty theft (§ 666) and evading a peace officer (Veh. Code, § 2800.2, subd. (a)) were alleged as prior prison terms. (§ 667.5, subd. (b).)

Appellant waived his preliminary hearing and jury trial rights and entered into a plea agreement. The agreement provided that appellant would (1) plead no contest to the felony charge of entering the grounds of a jail and the misdemeanor charge of unauthorized practice of law, (2) admit one of the prior prison terms, and (3) receive a four-year sentence in state prison.

Consistent with the plea agreement, the trial court imposed a total sentence of four years, consisting of the three-year upper term on the charge of entering the grounds of a jail enhanced by one year for the prior prison term. The court imposed a concurrent one-year term on the charge of unauthorized practice of law, and dismissed the remaining counts and enhancement allegations. It also awarded appellant 184 days of presentence credits and imposed a \$300 restitution fine.

Appellant filed a notice of appeal challenging the sentence and requested a certificate of probable cause to challenge the validity of the plea. He stated that he was owed more presentence credits and that the trial court erred when it denied his requests to continue the sentencing hearing and to replace counsel at sentencing. He also stated that his sentence violated the plea agreement, that defense counsel did not properly represent him and that he pled no contest solely to avoid going to trial with unprepared counsel. Appellant further stated that he was on medication that interfered with his ability to understand the proceedings and that he had a defense to the

charges but that counsel would not discuss it with him. The court issued the certificate.²

We appointed counsel to represent appellant in this appeal. After an examination of the record, counsel filed an opening brief requesting that the court make an independent review under *People v. Wende* (1979) 25 Cal.3d 436.

We subsequently advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. Appellant responded by filing a Request for Order Directing Appellate Counsel to Obtain Reporter's Transcript from the Fresno County Superior Court PRCS Hearing and Review/Brief Additional Issues; or, in the Alternative Order the Appointment of New Appellate Counsel to Review the Reporter's Transcript from the PRCS Hearing and Advance Appellate Issues.

On May 2, 2017, we issued an order denying all of appellant's requests except his request that he be granted additional time to personally brief the issues on appeal. We gave him 30 days to file a supplemental brief discussing those issues. The 30 days have since passed, and appellant has not presented any contentions or issues for our consideration.

We have reviewed the entire record and are satisfied that appellant's counsel has fully complied with his responsibilities and that no arguable issue exists. (*People v.*

² Appellant's counsel stipulated to a factual basis for the plea pursuant to *People v. West* (1970) 3 Cal.3d 595. Because the record does not provide any details regarding appellant's crimes, we are unable to include a statement of facts in this opinion.

Wende, supra, 25 Cal.3d at p. 443; *People v. Kelly* (2006)
40 Cal.4th 106, 126.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Clifford R. Anderson, Judge

Superior Court County of Santa Barbara

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

No appearance for Plaintiff and Respondent.