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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL CLAYTON PERKINS,

Defendant and Appellant.

B284973

(Los Angeles County
Super. Ct. No. MA071679)

THE COURT:*

Defendant and appellant Michael Clayton Perkins (defendant) appeals from a judgment entered upon a plea of no contest to grand theft.¹ Defendant's appointed counsel filed a

*ASHMANN-GERST, Acting P.J., CHAVEZ, J., HOFFSTADT, J.

¹ The notice of appeal indicates that the appeal is based on the sentence or other matters which occurred after the plea and did not affect the validity of the plea. However, defendant's request for a certificate of probable cause claimed the appeal would challenge the sufficiency of the evidence of the value of the stolen property. (See Pen. Code, § 1237.5.) Since the request for a certificate of probable cause was denied, we entered an order

brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On November 30, 2017, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues that do not require a certificate of probable cause, we affirm the judgment.

On July 17, 2017, defendant was charged by felony complaint with one count of grand theft, in violation of Penal Code section 487, subdivision (a).² The complaint alleged that defendant stole a miter saw kit and lawn mower from Home Depot with a value exceeding \$950. The complaint further alleged that defendant had suffered three prior serious or violent felony convictions, making defendant subject to sentencing pursuant to sections 667, subdivisions (b)-(j), and 1170.12 (the Three Strikes law). In addition, the complaint alleged that defendant had suffered five prior felony convictions for which he served prison terms within the meaning of section 667.5, subdivision (b).

Defendant entered into a plea agreement in which defendant agreed to plead no contest to the charge and admit one prior strike conviction, in exchange for a prison sentence of the middle term of two years, doubled as a second strike to four years. Defendant signed a plea form and initialed each applicable explanation, waiver of rights, and statement of the consequences of the plea. Defendant entered the plea and

limiting the appeal to issues that do not require a certificate of probable cause.

² All further statutory references are to the Penal Code, unless otherwise indicated.

admitted the strike, a conviction of violating section 422 in 2009, in Los Angeles County Superior Court case No. MA044804. Counsel stipulated to a factual basis for the plea. The trial court sentenced defendant as agreed to four years in prison, with five actual days of presentence custody credit and four days of conduct credit, and imposed mandatory fees and fines. Defendant filed a timely notice of appeal from the judgment.

We have examined the entire record and are satisfied that defendant's appellate counsel has fully complied with his responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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