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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.

JOHN ANTHONY TURNER,
Defendant and Appellant.

2d Crim. No. B247761
(Super. Ct. No. F481519)
(San Luis Obispo County)

John Anthony Turner appeals the judgment of conviction following his plea of no contest for failure to register as a sex offender with a prior out of state conviction. (Pen. Code, § 290.005, subd. (a)).¹ Appellant admitted the prior conviction was a strike within the meaning of the Three Strikes Law (§§ 667, subds. (c)(1) & (e)(1); 1170.12, subds. (a)(1) & (c)(1)). The trial court denied a *Romero* motion (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497) to strike the prior strike conviction and sentenced appellant to 32 months state prison (16 month low term, doubled based on the prior strike). Appellant was ordered to pay a \$720 restitution fine (§ 1202.4, subd. (b)), a \$720 parole revocation fine (§1202.45), a \$40 court security fee (§ 1465.8), and a \$30 criminal conviction assessment (Gov. Code, § 70373).

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

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

On August 5, 2013, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On September 13, 2013 we received a letter from appellant stating that the trial court abused its discretion in not striking the 1983 out-of-state conviction for sexual abuse. The probation report indicates that appellant was convicted in West Virginia of first degree sexual abuse, armed robbery, and residential burglary, and was sentenced to state prison. Appellant also had prior convictions for illegal possession of a firearm, burglary, theft, malicious destruction of property, and making criminal threats.

We have examined 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, 441; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Ginger E. Garrett, Judge
Superior Court County of San Luis Obispo

California Appellate Project, under appointment by the Court of Appeal,
Jonathan B. Steiner, Executive Director, Richard B. Lennon, Staff Attorney, for
Appellant.

No appearance for Respondent.