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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

KAHINDA WELTON,

Defendant and Appellant.

B247916

(Los Angeles County
Super. Ct. No. BA401999)

APPEAL from an order of the Superior Court of Los Angeles County, David M. Horwitz, Judge. Affirmed.

Heather J. Manolakas, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Kahinda Welton appeals from the denial of his motion to award additional custody credits. We affirm.

PROCEDURAL HISTORY

On August 30, 2012, defendant was charged with grand theft of personal property. (Pen. Code, § 487, subd. (a).)¹ It also was alleged that he had suffered a prior serious felony conviction for first degree burglary, which required a sentence to state prison in the present case, and that he had served a prior prison term. (§§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i), 1170, subd. (h)(3), 667.5, subd. (b).)

On September 4, 2012, defendant entered an open plea of guilty with the understanding that the court would strike the prior serious felony conviction and the sentence for the prior prison term and impose a three-year term in state prison. Defendant was sentenced in accordance with that understanding and awarded eight days of custody credit and eight days of conduct credit.

On February 26, 2013, defendant filed a motion to correct the abstract of judgment. Defendant asserted he was entitled to 16 days of custody credit and the same number of conduct credits. The trial court denied the motion and this appeal followed.

DISCUSSION

Defendant's appellate counsel filed a brief that raised no issues and asked this court to independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On October 23, 2013, we sent defendant a letter informing him of the nature of the appeal that had been filed and advising him that he had 30 days to submit a supplemental brief setting forth any contentions that he wished us to consider. To date, we have received no response.

¹ All further statutory references are to the Penal Code.

We have independently reviewed the record. The complaint shows defendant committed the grand theft on August 28, 2012, and was placed in custody that day. He entered his guilty plea on September 4. The court properly calculated that defendant was in custody for eight days when he entered his plea and awarded the correct number of custody and conduct credits. We are satisfied there are no arguable issues, and defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The order denying defendant's motion to award additional custody credits is affirmed.

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EDMON, J.^{*}

We concur:

EPSTEIN, P. J.

MANELLA, J.

^{*} Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.