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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.

VERNELL WATTS,

Defendant and Appellant.

2d Crim. No. B285621
(Super. Ct. No. 17F-05805)
(San Luis Obispo County)

Vernell Watts, appeals from the judgment entered after he pled no contest to unauthorized possession of drugs in prison. (Pen. Code, § 4573.8.)¹ Pursuant to the negotiated plea, appellant was sentenced to 16 months state prison, to run consecutive to a 19-year prison sentence appellant was serving for voluntary manslaughter. Appellant was ordered to pay a \$300 parole revocation fine (§ 1202.4, subd. (b)), a \$300 parole revocation fine (§ 1202.45), and statutory fines totaling \$70.

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 December 8,

¹ All statutory references are to the Penal Code.

2017, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider.

On January 8, 2018, appellant filed a supplemental brief stating, among other things, that the Department of Corrections order referring appellant for prosecution did not meet the criteria for felony prosecution. (Cal. Code Regs., tit 15, § 3316.) These contentions are not supported by the record which shows that the plea was knowingly and voluntarily made, that there was a stipulated factual basis for the plea, and that appellant was provided effective representation. (*Strickland v. Washington* (1984) 466 U.S. 668, 687 [80 L.Ed.2d 674, 693]; *People v. Bolin* (1998) 18 Cal.4th 297, 333.) Appellant was charged with two prior strike convictions (§§ 667, subds. (d) - (e), 1170.12, subds. (b) - (c)), and a prior prison term enhancement (§ 667.5, subd. (b)). Appellant waived preliminary hearing and entered into a negotiated plea for a consecutive 16-month state prison sentence.

After the plea was entered, appellant wrote the trial court regarding the Proposition 64 marijuana initiative, legalizing marijuana for recreational use by adults, subject to various conditions. (See Health & Saf. Code, §§ 11357 et seq.) Appellant also filed a notice of appeal and certificate of probable cause (§ 1237.5) stating, among other things, that he was of unsound mind and lacked the capacity to make a contract, that his attorney failed to request a mental health evaluation, and that appellant was being punished “twice” based on an “excessive verdict.” The trial court denied the request for certificate of probable cause on September 13, 2017.

We have reviewed 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, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

YEGAN, Acting P. J.

We concur:

PERREN, J.

TANEGMAN, J.

H. Morgan Dougherty, Judge*

Superior Court County of San Luis Obispo

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

No appearance for Respondent.

*Retired Judge assigned by the Chief Justice pursuant to art. VI, § 6 of the
Cal. Const.)