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NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE, Plaintiff and Respondent, v. GEORGE NORMAN SPANFELNER, Defendant and Appellant.	C065618 (Super. Ct. No. 08F4690)

On April 23, 2008, at about 5:10 p.m., defendant George Norman Spanfelner was seen driving erratically through the Burney-McArthur area before pulling into the Charm Motel in Burney. A California Highway Patrol officer contacted defendant at the motel. Defendant's eyes were watery and blood shot, and his breath smelled of alcohol. His movements were slow and uncoordinated, and he appeared unsteady on his feet. Defendant failed a field sobriety test, and his blood alcohol tested at .178 per cent.

Defendant pled no contest to felony driving with 0.08 percent or more blood alcohol with three or more prior convictions of same within 10 years (Veh. Code, §§ 23152, subd. (b), 23550). The court sentenced defendant to three years in prison, imposed various fines and fees, and awarded 20 days' presentence credit, consisting of 10 days' custody and 10 days' conduct credit.

Defendant appeals. He did not obtain a certificate of probable cause. (Pen. Code, § 1237.5.)

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

BLEASE, Acting P. J.

We concur:

NICHOLSON, J.

HOCH, J.