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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER BURL NICHOLS,

Defendant and Appellant.

A129582

**(Marin County
Super. Ct. No. SC148921A)**

Defendant Christopher Burl Nichols (appellant) appeals the sentence imposed following the revocation of his probation. His counsel has advised that examination of the record reveals no arguable issues. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) Counsel informed appellant that a *Wende* brief was being filed and that appellant had the right to personally file a supplemental brief in this case within 30 days. No supplemental brief has been filed. No arguable issue is shown.

On August 16, 2006, pursuant to a negotiated disposition, appellant pled guilty to felony grand theft of the person (Pen. Code, § 487, subd. (c)).¹ Imposition of sentence was suspended and he was placed on five years' probation.

In November 2008, April 2009, November 2009, and December 2009, appellant admitted violating his probation and probation was reinstated.

¹ All undesignated section references are to the Penal Code.

In April 2010 appellant again admitted violating his probation. The court sentenced him to two years in state prison, suspended execution of sentence, imposed a six-month jail term and reinstated probation. Appellant waived six months of local custody credit.

On July 22, 2010, the instant probation revocation petition was filed alleging that appellant violated the probation condition that he successfully complete a residential treatment program. It was alleged that appellant was terminated from his residential treatment center due to his verbal hostility and aggression toward staff and residents, and this was his third failed treatment program.

At the July 27, 2010 hearing on the petition, the court noted that probation revocation petitions had been filed in two other Marin County misdemeanor matters. Appellant's probation was to expire on August 22, 2010, in one matter, and on January 2, 2012, in the other.² After being properly admonished by the court, appellant admitted the probation violation as to all three Marin County cases and the court revoked probation in all three cases. The two-year sentence on the instant case was ordered executed and appellant was ordered to pay a \$200 restitution fine (§ 1202.4), a \$200 parole revocation fee, suspended pending completion of parole (§ 1202.45), and a \$30 court security fine (§ 1465.8).

The court awarded appellant 373 days of actual custody credit and 373 days of good time/work time credits. Based thereon, the court deemed appellant's time on all three cases to be served. It also agreed to apply appellant's excess custody credits to the restitution fine and court security fee, which it deemed paid. The court reiterated that the parole revocation fee was suspended pending appellant's successful completion of parole. Appellant was ordered to report to the parole office.

Appellant filed a timely notice of appeal from the July 27, 2010 sentencing order.

Appellant was adequately represented at all stages of the proceedings. No arguable issue is shown.

² Appellant was also on probation on a Sonoma County case.

DISPOSITION

The judgment is affirmed.

SIMONS, J.

We concur.

JONES, P.J.

NEEDHAM, J.