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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

TAMMY KAAKE,

Defendant and Appellant.

A127745

(City & County of San Francisco
Super. Ct. No. 200810)

Tammy Kaake appeals from a finding that she violated probation. Counsel has briefed no issues and asks for our review of the record of the proceedings. (*People v. Wende* (1979) 25 Cal.3d 436.) Despite receiving two extensions of time to do so, Kaake has not filed a supplemental brief. We have reviewed the record and affirm.

A January 2007 information charged Kaake with possession for sale of methamphetamine. Following a jury trial, Kaake was acquitted of possession for sale, but convicted of the lesser included offense of possession of methamphetamine. She was placed on probation under Penal Code section 1210.1 (Proposition 36) in March 2009.

A few months later, the district attorney filed a petition to revoke Kaake's probation after police officers found her in possession of 2.98 grams of methamphetamine and 1.4 grams of marijuana, along with a digital scale and a number of small plastic bags. One of the officers, who was qualified as an expert in sales and possession for sale of narcotics, testified that based on the quantity of methamphetamine and the presence of the baggies and scale, Kaake likely possessed the methamphetamine

for sale. Kaake testified she bought the methamphetamine the day of her arrest and planned to share it with friends. The trial court rejected Kaake's testimony, found her ineligible for Proposition 36, and in violation of probation based on her possession of methamphetamine for sale.

Kaake was reinstated to probation on the condition that she serve one year in county jail (with 151 days of credit for time served).¹ Kaake was also directed to participate in the synergy program while in custody, and a 90-day woman's reentry program upon her release. Kaake timely appealed.

Kaake was represented by counsel during the probation revocation proceedings, and she received a fair hearing. The court's finding that she willfully violated probation is supported by substantial evidence, and the court did not abuse its discretion when it reinstated probation on modified terms. Appellate counsel advised Kaake of her right to file a supplemental brief in this court within 30 days of the opening brief, but no supplemental brief has been filed. Full review of the record reveals no issue that requires further briefing.

¹ Kaake's probation was also extended to March 28, 2012, and a second motion to revoke probation, filed in September 2009, was dismissed.

DISPOSITION

The orders of the trial court are affirmed.

Siggins, J.

We concur:

McGuiness, P.J.

Pollak, J.