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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

GARY ROGERS KELLY,

Defendant and Appellant.

H027483

(Santa Clara County

Super. Ct. No. CC320855)

Following a jury trial, defendant was found guilty of one felony count of driving under the influence of alcohol with a felony prior within 10 years (Veh. Code, § 23152/23550.5, subd. (a)),¹ and one misdemeanor count of resisting, delaying, or obstructing an officer (Pen. Code, § 148, subd. (a)(1)). As to count one, the jury found true the allegation that defendant willfully refused a peace officer's request to submit to chemical test pursuant to Vehicle Code sections 23612, 23157 and 23577, subdivision (a).

We appointed counsel to represent defendant in this court. Counsel filed an opening brief that stated the case and the facts, but raised no specific issues. Defense

¹ On the final day of trial, the parties stipulated that defendant had a 1996 prior felony conviction for driving under the influence of alcohol.

counsel requested we review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

We notified defendant of his right to submit written argument on his own behalf within 30 days. We have read and considered defendant's written argument.

Pursuant to *People v. Wende, supra*, 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

Disposition

The judgment is affirmed.

ELIA, J.

WE CONCUR:

RUSHING, P. J.

PREMO, J.