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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

ORRIN TYLER COLBOURN,

Defendant and Appellant.

C085356

(Super. Ct. No. 16CF03132)

This appeal comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

A complaint filed on July 15, 2016, charged defendant Orrin Tyler Colbourn with carrying a dirk or dagger, a felony (Pen. Code, § 21310),¹ and alleged that defendant had three prior prison terms (§ 667.5, subd. (b)) and committed the offense while on bail (§ 12022.1).

¹ Undesignated statutory references are to the Penal Code.

After trial counsel declared a doubt about defendant's competency (§ 1368), the trial court suspended proceedings and appointed a psychologist to interview him. Defendant was committed to Napa State Hospital until May 24, 2017, when the court declared him competent to stand trial.

On June 7, 2017, defendant pleaded no contest to the charged offense in return for the dismissal of the additional allegations with a *Harvey*² waiver, and of two other trailing cases.

According to the probation report, on July 12, 2016, a Butte County Sheriff's deputy observed defendant, whom he recognized from prior contacts, walking in south Oroville. Knowing that defendant had an outstanding felony arrest warrant, the deputy detained him. A search of his person found an unsheathed fixed-blade knife in his rear pants pocket.

The probation report noted that defendant did not wish to be placed on probation and would refuse any form of community supervision.

The trial court imposed a sentence of three years (the upper term) in county jail. The court declined to grant mandatory supervision, finding that defendant's past performance on mandatory supervision and postrelease community supervision had been unsuccessful and he had stated he would not comply with the terms and conditions of supervision.

The trial court awarded defendant 566 days of presentence custody credit (200 actual days, 200 conduct days, and 166 days of state hospital time).

The trial court imposed a \$300 restitution fine (§ 1202.4, subd. (b)), a \$40 court operations assessment (§ 1465.8), and a \$30 conviction assessment (Gov. Code,

² *People v. Harvey* (1979) 25 Cal.3d 754 (*Harvey*).

IN THE
Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT

MAILING LIST

Re: The People v. Colbourn
C085356
Butte County No. 16CF03132

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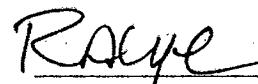
Honorable Tamara L. Mosbarger
Judge of the Butte County Superior Court
One Court Street
Oroville, CA 95965

§ 70373). The court ordered victim restitution to the victim in one of the trailing cases in an amount to be determined.

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. (*Wende, supra*, 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.


RAYE, P. J.

We concur:


BLEASE, J.


ROBIE, J.

SUPREME COURT
FILED

JAN 23 2019

Court of Appeal, Third Appellate District - No. C085356

Jorge Navarrete Clerk

S253080

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

THE PEOPLE, Plaintiff and Respondent,

v.

ORRIN TYLER COLBOURN, Defendant and Appellant.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

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available in the
Clerk's Office.**