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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re JESSICA ANNE BAUER,
on Habeas Corpus.

A147492

(Mendocino County
Super. Ct. No. SC-UK-CR-CR-13-
71721)

BY THE COURT:¹

On February 16, 2016, Jessica Anne Bauer filed a petition for writ of habeas corpus seeking reversal of her guilty-plea conviction in case No. SC-UK-CR-CR-13-71721 (hereafter case No. 13-71721) for transporting a controlled substance, in violation of Health and Safety Code section 11379, subdivision (a). Petitioner argued her conviction should be reversed because, after she entered her guilty plea but before she was sentenced, the Legislature amended section 11379 to define “transports” as “transport for sale.” (See Health & Saf. Code, § 11379, subd. (c); Stats. 2013, ch. 504, § 2.)

The Attorney General filed an informal written response on March 4, 2016. Petitioner did not file a reply. In her response, the Attorney General conceded that we should grant the petition for writ of habeas corpus, reverse the methamphetamine-transportation conviction in case No. 13-71721, and remand the cause to allow the People

¹ Before Humes, P.J., Margulies, J., and Banke, J.

the opportunity to establish the additional “for sale” element in the transportation-of-methamphetamine charge and to revive any dismissed counts.

We issued an order on March 29, 2016, informing the parties that, unless the Attorney General filed an opposition by April 5, 2016, we would deem the Attorney General’s position to constitute a waiver of an order to show cause, a waiver of oral argument, and an acceptance for us to issue an immediate remittitur under California Rules of Court, rule 8.272(c)(1). We received no opposition from the Attorney General.

Accordingly, we now grant the relief specified above. The conviction for methamphetamine transportation in case No. 13-71721 is hereby reversed and the matter is remanded for further proceedings in superior court.

This opinion is final for all purposes immediately upon filing, and the Clerk of this Court shall forthwith issue the remittitur. (See *Ng v. Superior Court* (1992) 4 Cal.4th 29, 34, fn. 1; Cal. Rules of Court, rule 8.490(b)(2)(A).)