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

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY DIXON,

Defendant and Appellant.

C068156

(Super. Ct. Nos.
11F00334, 11F02944)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We provide the following brief description of the facts and procedural history of the case. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

In January 2011, defendant was found in possession of a usable quantity of methamphetamine. He pled no contest to possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)) in exchange for being granted Proposition 36 probation (case No. 11F00334). Defendant also agreed to an intended sentence that if he failed the Proposition 36 program or was found ineligible, he would be sentenced to 180 days in

county jail. He was ordered to pay various fines and fees. The probation conditions imposed included that he not associate with known gang members or be in places frequented by known gang members. Defendant accepted these terms of probation without objection. Defendant did not appeal from that judgment.

Approximately two months after the plea, defendant failed to appear in court to show proof he had enrolled in the Proposition 36 program and his probation was revoked. When defendant appeared in court on March 21, 2011 at a return on warrant hearing, he admitted a drug-related violation of probation. Probation was reinstated and he was given another opportunity to enroll in a Proposition 36 program. Defendant failed to appear for his next court date on April 15, 2011.

About two weeks later, in late April 2011, defendant, a felon, was found in possession of a firearm (case No. 11F02944). He pled no contest to being a felon in possession of a firearm. The trial court suspended imposition of judgment and sentence and placed defendant on five years' formal probation and ordered him to serve one year in county jail. The probation conditions imposed included participation in mandatory drug rehabilitation as well as prohibitions from handling controlled substances of any kind without a prescription, knowingly associating with known drug dealers or users or frequenting areas of known narcotics activity, and associating with gang members or being in places known to be frequented by gang members. Defendant objected to each of these conditions as not related to the crime. The trial court clarified that defendant had a long drug

history, and was already on probation with those conditions for his earlier drug offense. As to the gang conditions, the court found them appropriate as defendant was a validated gang member. Various fines and fees were imposed. Defendant was found in violation of his probation in case No. 11F00334 and probation was revoked. He was ordered to serve the 180 days previously indicated.

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 have elapsed, and we have 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.

MURRAY, J.

We concur:

RAYE, P. J.

NICHOLSON, J.