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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

RODNEY TAUREZ SIMMONS,

Defendant and Appellant.

C069213

(Super. Ct. No.
62105641B)

Appointed counsel for defendant Rodney Taurez Simmons asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We find no arguable error and no concerns regarding presentence credits. We will affirm the judgment.

I

On April 5, 2011, after dark, defendant drove past a parked patrol car on a public road. Officer Ralph Pratt, who was inside the patrol car typing up notes from a prior call, saw

defendant drive by and noted that he could not see inside the driver's side window because of the tint on the window.

Believing the tint was too dark to be legal, Officer Pratt finished what he was doing and then drove after defendant.

When Officer Pratt reached defendant, he pulled him over and asked to see his driver's license. Officer Pratt also asked defendant if he was currently on probation or parole; defendant admitted he was on parole. Defendant's passenger, Diane, admitted she was on probation. Officer Pratt then returned to his patrol vehicle and confirmed defendant's identity; another officer was on his way to provide backup. Once the second officer arrived, the two officers detained defendant and Diane, searched their persons, and searched the car.

A search of defendant's person revealed two stacks of money, one totaling \$284 and one totaling \$50. The \$50 stack included a \$20 bill that was ripped in half. In addition, the officers found a cell phone in defendant's pocket. There were no text messages on that phone. The officers also found a cell phone on the front passenger seat; Diane claimed it was hers.

A search of the phone Diane claimed to be hers revealed several text messages. One of the outgoing text messages was to "Lala" and said: "So that's what's up. I got the fire with the cries. So if you know anyone who needs some, send them my way." Another, sent to "Ca\$h My Daddy," said "Baby, the homegirl said how much for two grams of the clear?" That outgoing message was followed up by another outgoing message to Ca\$h My Daddy that read, "Baby, she said all she got is 70 right now and if you

work with her." Further investigation revealed the nickname Ca\$h My Daddy was assigned to defendant's phone number, and "Lala" was a nickname for Diane's friend Terri Bartholomew.

Following up on the text messages, officers went to Bartholomew's apartment. Bartholomew told officers she was staying with her friend "Karrie"; Karrie wanted to buy methamphetamine, so Bartholomew arranged a deal for her. The officers spoke to Karrie, who was also in the apartment. She recounted that Diane, along with a black man with gold teeth, a gold necklace, and a gold ring, arrived in a white Lincoln to sell her methamphetamine. The man gave Karrie a bag of methamphetamine and she gave him two \$20 bills and one \$10 bill; one of the \$20 bills was ripped completely in half. Karrie "snorted a line" of the drug but flushed the rest down the toilet when she heard police at the door.

Defendant was later charged with selling methamphetamine (Health & Saf. Code, § 11379, subd. (a)), transporting methamphetamine (Health & Saf. Code, § 11379, subd. (a)), and conspiracy to sell/transport methamphetamine (Pen. Code, § 182, subd. (a)(1)). It was further alleged that defendant was previously convicted of a serious or violent felony (Pen. Code, §§ 1170.12, subd. (a)-(d), 667, subd. (b)-(i)), served eight prior prison terms (Pen. Code, § 667.5, subd. (b)), was previously convicted of a drug-related crime (Health & Saf. Code, § 11370.2, subd. (c)), and was ineligible for probation (Pen. Code, § 1203, subd. (e)(4)).

Defendant pleaded no contest to a single count of offering to sell methamphetamine and admitted being previously convicted of a strike offense. He was sentenced to an aggregate term of four years in state prison. The court ordered defendant to pay various fines and fees and awarded him 177 days of custody credit (118 actual and 59 conduct).

Defendant filed three notices of appeal from the single judgment. His request for a certificate of probable cause was denied.

II

Appointed counsel filed an opening brief that sets forth the facts of the case and asked 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.

RAYE, P. J.

We concur:

MAURO, J.

HOCH, J.