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

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSHUA SHANE MCKINNEY,

Defendant and Appellant.

C072068

(Super. Ct. No. 11NCR09030)

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record as required, we affirm the judgment.

BACKGROUND

Defendant Joshua Shane McKinney, who was on probation in another case, was riding his bicycle when he was stopped by a police officer for traffic violations. After

defendant admitted he was on probation, the officer searched him and found a baggie of methamphetamine. Defendant was charged with transportation of methamphetamine.¹

Defendant agreed to waive his right to a jury trial and be tried by the court based upon the parties stipulation to the foregoing facts coupled with the additional fact that his possession of the methamphetamine was for personal use, which would make him eligible for Proposition 36 drug probation. (Pen. Code, § 1210 et seq.) The court also advised defendant that if he was tried on the facts as stipulated he would probably be found guilty as charged. Defendant stated he understood and still wished to waive a jury trial. The court trial was conducted and defendant was found guilty.²

Defendant was placed on Proposition 36 probation for three years and ordered to pay various fines and fees as set forth in the record.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests that this court review the record and determine whether it reflects 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.

We have reviewed the record in its entirety and have found no error that might have resulted in a disposition more favorable to defendant.

¹ Transporting methamphetamine on a bicycle is a violation of Health and Safety Code section 11379, subdivision (a), a felony. (*People v. LaCross* (2001) 91 Cal.App.4th 182, 185-186.)

² Based upon defendant's being found guilty in the instant case, he was also found in violation of his probation. The prior case is not an issue on this appeal.

DISPOSITION

The judgment is affirmed.

BLEASE _____, Acting P. J.

We concur:

HULL _____, J.

BUTZ _____, J.