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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sutter)

THE PEOPLE,

Plaintiff and Respondent,

v.

RAMANDEEP SINGH,

Defendant and Appellant.

C073037

(Super. Ct. Nos.
CRF121396 & CRF122444)

Appointed counsel for defendant Ramandeep Singh has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal.¹ (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

¹ 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.

On June 27, 2012, Officer Phagura was dispatched to investigate a report of two men sitting in a car smoking marijuana. Upon arriving at the scene, he saw both men making furtive movements and reaching under the seats. As he approached, he smelled a strong odor of marijuana emanating from the car.

Defendant was in the driver's seat of his car and another man was in the passenger seat. A plastic jar containing marijuana was sitting on top of a backpack on the driver's side floorboard. Defendant then consented to the officer's search of the car. During the search, Officer Phagura found three ziplock bags containing marijuana and two small scales in the backpack, and four ziplock bags containing marijuana in the trunk. Defendant told Officer Phagura he did not have a medical marijuana prescription. The total net weight of the marijuana was 189.42 grams. Defendant also had a cell phone and \$374 in his pockets. There were text messages on the phone inquiring whether defendant had any marijuana for sale, discussing drug prices and meeting locations, and suggesting drug buyers bring their own scales.

Defendant was charged in Sutter County case No. CRF121396 with possession for sale of marijuana. (Health & Saf. Code, § 11359.)

On October 23, 2012, neighbors observed defendant and a minor removing property from the victims' home. They had broken a window to gain entry and left blood and glass scattered everywhere. Officers were led to defendant through the car defendant used during the burglary. The neighbor identified defendant and property stolen during the burglary was found in defendant's car. Defendant claimed the minor had threatened him, coercing him to commit the burglary.

Defendant was charged in Sutter County case No. CRF122444 with first degree burglary (Pen. Code, § 459), grand theft (Pen. Code, § 487, subd. (a)), and contribution to the delinquency of a minor (Pen. Code, § 272, subd. (a)(1)).

On November 14, 2012, defendant pled no contest to possession for sale of marijuana in Sutter County case No. CRF121396 and to first degree burglary in Sutter

County case No. CRF122444. The remaining charges were dismissed with a *Harvey* waiver.² Under the terms of the plea agreement, sentencing was left to the discretion of the trial court.

Sentencing proceeded on January 22, 2013. The trial court declined to find it an unusual case, denied probation, and sentenced defendant to the middle term of four years for the burglary and a concurrent two years for possession for sale of marijuana. The court imposed a \$1,120 restitution fine for the burglary, a \$560 restitution fine for possession of marijuana, court operations and conviction assessments, and victim restitution in the amount of \$6,489 (with jurisdiction retained). Defendant received 342 days of presentence custody credit.

Defendant appeals. He did not obtain a certificate of probable cause. (Pen. Code, § 1237.5.)

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.

BLEASE, Acting P. J.

We concur:

ROBIE, J.

MAURO, J.

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