

NOT TO BE PUBLISHED

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

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THE PEOPLE,

Plaintiff and Respondent,

v.

PHILLIP VILLANUEVA,

Defendant and Appellant.

C074640

(Super. Ct. No. SF080811A)

Defendant Phillip Villanueva appeals from an order denying a petition to recall his so-called “three strikes” sentence of 30 years to life, brought pursuant to the provisions of the Three Strikes Reform Act of 2012, codified at Penal Code section 1170.126.<sup>1</sup> (See *Teal v. Superior Court* (2014) 60 Cal.4th 595.)

Defendant’s petition to recall his sentence and for resentencing was denied, the commitment offense being second degree robbery. (See §§ 667.5, subd. (c)(9), 1170.126, subd. (e)(1), 1192.7, subd. (c)(19).)

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

Counsel was appointed to represent defendant on appeal. Counsel filed an opening brief setting forth the facts of the case and requesting this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Counsel advised defendant of his 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. 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 (order) is affirmed.

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RAYE, P. J.

We concur:

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BLEASE, J.

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NICHOLSON, J.