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

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THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES E. GALUSHA,

Defendant and Appellant.

C077084

(Super. Ct. No. 99F06435)

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

## **FACTUAL AND PROCEDURAL BACKGROUND**

In 1999, defendant Charles Edwin Galusha pleaded guilty to one count of violating Penal Code section 288, subdivision (c)(1),<sup>1</sup> and admitted three prior felony convictions, in return for the dismissal of five additional felony counts. The trial court thereafter sentenced defendant to a state prison term of 25 years to life. The court awarded defendant 682 days of presentence custody credit (455 actual days and 227 conduct days). The court imposed a \$10,000 restitution fine (§ 1202.4, subd. (b)) and a suspended parole revocation restitution fine in the same amount (§ 1202.45).

According to the police report, on the evening of July 21, 1999, the 15-year-old male victim and an adult male visited defendant's home, where defendant showed them pornographic videos, then performed oral copulation on the victim and masturbated him.

On June 19, 2014, defendant filed a petition to recall sentence. (§ 1170.126.)

On July 16, 2014, the trial court denied the petition, finding that defendant was ineligible for resentencing under section 1170.126, subdivision (e)(2), because his current conviction is for an offense that is registrable. (§ 290, subd. (c).)

## **WENDE REVIEW**

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 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.

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<sup>1</sup> Undesignated statutory references are to the Penal Code in effect at time of the charged offense.

**DISPOSITION**

The judgment (order denying resentencing petition) is affirmed.

MURRAY, J.

We concur:

BLEASE, Acting P. J.

RENNER, J.