

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

SILVERIO SALDANA,

Defendant and Appellant.

C078305

(Super. Ct. No. CRF111630)

Appointed counsel for defendant Silverio Saldana asked this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

During a parole search, defendant was found in possession of a scale and a cigarette package containing five baggies of methamphetamine. (*People v. Saldana* (Jan. 8, 2015, C074302) [nonpub. opn.] slip opn. at p. 3.) A jury convicted defendant of possession of methamphetamine for sale. (Health & Saf. Code, § 11378.)

(*Saldana*, at p. 4.) The trial court sustained two strike allegations and sentenced defendant to 25 years to life. (*Ibid.*) Defendant appealed, and we affirmed his conviction. (*Id.* at p. 1.)

Following the affirmance of his conviction on appeal, defendant filed a petition for resentencing pursuant to Penal Code section 1170.18. The trial court denied the petition because possession of methamphetamine for sale had not been changed to a misdemeanor and therefore was not subject to Penal Code section 1170.18 resentencing. Defendant appealed the denial of his petition for resentencing.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking 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 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 is affirmed.

MAURO, J.

We concur:

RAYE, P. J.

DUARTE, J.