

NOT TO BE PUBLISHED

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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.

ANTHONY HORTON,

Defendant and Appellant.

C080184

(Super. Ct. No. 15F04599)

Appointed counsel for defendant Anthony Horton 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. (*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.)

In July 2015 defendant had a usable amount of heroin, which he intended to sell, while armed with a shotgun. The People charged defendant with three felonies and alleged he was armed during the commission of count one. Defendant pleaded no contest

to possessing heroin for the purpose of sale. In exchange for his plea, the People moved to dismiss the remaining charges and agreed to a suspended sentence and probation.

In accordance with the plea agreement, the trial court dismissed the remaining charges and sentenced defendant to five years of formal probation. The trial court also ordered defendant to serve 270 days in county jail and awarded him 57 days of custody and conduct credit. The court imposed the conditions of defendant's probation and ordered him to pay only those fees that are mandatory.

Defendant appeals without a certificate of probable cause.

Counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant 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 undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

### **DISPOSITION**

The judgment is affirmed.

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RAYE, P. J.

We concur:

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MAURO, J.

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HOCH, J.