

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

THE PEOPLE,

Plaintiff and Respondent,

v.

IVAN R. BASSETT,

Defendant and Appellant.

C080268

(Super. Ct. No. 02F10047)

Defendant Ivan R. Bassett appeals from the trial court's order denying his postjudgment motion to reduce the \$400 restitution fine imposed under Penal Code section 1202.4.¹ His court-appointed counsel has filed a brief raising no legal issues and requesting this court to conduct an independent review pursuant to *People v. Wende*

¹ Undesignated statutory references are to the Penal Code.

(1979) 25 Cal.3d 436 (*Wende*). Because the trial court's order is not appealable, we dismiss the appeal.

BACKGROUND

We provide the following brief description of the relevant background of this case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

On April 23, 2003, defendant pleaded no contest to committing a lewd or lascivious act upon a child under the age of 14 years (§ 288, subd. (a)), and admitted the special allegations. The trial court sentenced him to serve two years in prison. The trial court also imposed a \$400 restitution fine (§ 1202.4, subd. (b)) and a suspended parole revocation restitution fine in the amount of \$400 (§ 1202.45).

Approximately 12 years later, defendant filed a pro per motion requesting the trial court reduce his restitution fine from \$400 to \$200. On August 17, 2015, the trial court dismissed defendant's motion for lack of jurisdiction.

Defendant filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the relevant procedural history 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 from the date the opening brief was filed. To date, defendant has not filed a supplemental brief.

We decline to accord review under *Wende, supra*, 24 Cal.3d 436. Because the trial court's order denying defendant's motion is not appealable, the appeal should be dismissed. (See *People v. Turrin* (2009) 176 Cal.App.4th 1200, 1208 ["Since the trial court lacked jurisdiction to modify the restitution fines, its order denying defendant's

motion requesting the same did not affect his substantial rights and is not an appealable postjudgment order”].)

DISPOSITION

The appeal is dismissed.

_____/s/
HOCH, J.

We concur:

_____/s/
NICHOLSON, Acting P. J.

_____/s/
ROBIE, J.