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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RODOLFO L. GOMEZ,

Defendant and Appellant.

D060722

(Super. Ct. No. SCS248771)

APPEAL from a judgment of the Superior Court of San Diego County, Kenneth J. Medel, Judge. Affirmed.

A jury found Rodolfo Gomez guilty of violating Health and Safety Code section 11377, subdivision (a) (possession of methamphetamine). The court suspended imposition of sentence and placed Gomez on three years' informal probation pursuant to Proposition 36 (Pen. Code, § 1210).

FACTS

On June 9, 2011, several Chula Vista police officers conducted a probation compliance check at a residence in National City. There were three separate structures

located on the property, a main house in the front and two smaller structures in the rear. The property was known to be a hangout for Old Town National City (OTNC) gang members.

As some officers entered the front entrance, Officer Glenn Gossett, who was by himself, conducted a protective sweep of the rear structures. Through an open door, Officer Gossett observed Gomez and two other men sitting on a couch. Gossett saw Gomez reach into his right-hand pocket. Fearful that Gomez might be attempting to recover a weapon or conceal evidence, the officer asked all three men to come out of the building. Because Gossett's view to the left side of the structure was blocked, he entered to confirm no one else was in the room. Inside, in plain view, he saw a smoking pipe near the location where Gomez had been sitting and a plastic bindle containing methamphetamine on top of a computer. Gomez later told the officer the pipe and methamphetamine were his.

## DISCUSSION

Appointed counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable issues: whether the court improperly admitted the laboratory service report into evidence.

We granted Gomez permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues referred to by appellate counsel, has disclosed no reasonably arguable appellate issues. Competent counsel has represented Gomez on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, J.

WE CONCUR:

McCONNELL, P. J.

NARES, J.