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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL NELSON,

Defendant and Appellant.

D061150

(Super. Ct. No. SCD236211)

APPEAL from a judgment of the Superior Court of San Diego County, Charles R. Gill, Judge. Affirmed.

Michael Nelson pled guilty to one count of violating Health and Safety Code section 11355, selling a substance in lieu of a controlled substance. The court sentenced appellant to a stipulated prison term of 16 months and ordered it be served in local custody with no further period of supervision. (Pen. Code, § 1170, subd. (h)(5)(A).

## FACTS<sup>1</sup>

On August 23, 2011, Officer Luis Colon, while working as an undercover narcotics officer in downtown San Diego, approached Lester Goree, and asked Goree if he knew anyone selling narcotics in the area. The officer told Goree he was looking for a \$20.00 rock of cocaine. After a couple of unsuccessful efforts to locate a drug dealer in the area, Colon gave Nelson \$20.00 and Nelson left the area, instructing Goree to wait with Colon. Upon returning, appellant handed Colon a piece of paper with a substance inside that Colon noticed was not a controlled substance. Colon told appellant the substance was "junk." Following a brief argument, Colon agreed the item was cocaine base and he and appellant completed the transaction. Appellant and Goree were then arrested.

## DISCUSSION

Appointed appellate 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 a possible, but not arguable issue, whether there were any prejudicial irregularities in the guilty plea.<sup>2</sup>

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

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<sup>1</sup> The facts are based on the preliminary hearing transcript.

<sup>2</sup> Appellate counsel raised and resolved an issue concerning custody credits in a related habeas case, D061819.

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 Nelson on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, Acting P. J.

WE CONCUR:

AARON, J.

IRION, J.