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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JEFF COREY MERCER,

Defendant and Appellant.

D062053

(Super. Ct. No. SCE309900)

APPEAL from a judgment of the Superior Court of San Diego County, John M. Thompson, Judge. Affirmed.

Appellant Jeff Corey Mercer was charged in count 1 with transport of a controlled substance in violation of Health and Safety Code¹ section 11379, subdivision (a), in that it was alleged he unlawfully transported and offered to transport six grams of methamphetamine; in count 2 with possession for sale of a controlled substance in violation of section 11378, in that it was alleged he unlawfully had in his possession six grams of methamphetamine for sale; in count 3 with resisting an officer in violation of

¹ All statutory references are to the Health and Safety Code unless noted otherwise.

Penal Code section 148, subdivision (a)(1); and in count 4 with wrong-way operation of a bicycle in violation of Vehicle Code section 21650.1.

As to counts 1 and 2, it was alleged that prior to the instant offenses Mercer was convicted of crimes in violation of section 11378, within the meaning of section 11370.2, subdivision (c), and was convicted of a crime in violation of section 11379, also within the meaning of section 11370.2, subdivision (c). It was further alleged that Mercer served a prior prison term within the meaning of Penal Code section 667.5, subdivision (b).

At the preliminary hearing, the court denied Mercer's motion to suppress evidence pursuant to Penal Code section 1538.5. About four months later, the court denied Mercer's motion to reconsider his motion to suppress and found upon independent review of the preliminary hearing transcript that the original motion was properly denied.

In January 2012, Mercer pled guilty to all counts and allegations. The court subsequently sentenced Mercer to five years in state prison.

DISCUSSION

Mercer's appointed appellate counsel has filed a brief setting forth the underlying facts and procedural history. Counsel presents no argument for reversal but asks this court to review the record for error in accordance with *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to the following possible, but not arguable, issues: (1) Did the officers have sufficient cause to stop Mercer on his bicycle when he was traveling the wrong way in traffic and detain him under the Fourth Amendment to the United States Constitution? (2) Were the officers'

detention and questioning of Mercer proper under the Fourth Amendment to the Constitution? (3) Was the arrest of Mercer—after he admitted to being in possession of marijuana within a "couple [of] minutes" of being properly stopped by officers, and the subsequent search of his person and bicycle, after he ran from officers while he was being escorted to the front of their patrol car—proper under the Fourth Amendment to the United States Constitution?

We granted Mercer permission to file a brief on his behalf and he has done so, which we have read and considered.

We have examined the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and considered the possible issues referred to by appointed counsel. We independently conclude there is no reasonably arguable appellate issues and further conclude Mercer has been represented by competent counsel in this proceeding.

DISPOSITION

Mercer's judgment of conviction is affirmed.

BENKE, Acting P. J.

WE CONCUR:

McINTYRE, J.

O'ROURKE, J.