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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN ALLEN KOSKI,

Defendant and Appellant.

D062385

(Super. Ct. No. SCD240440)

APPEAL from a judgment of the Superior Court of San Diego County,

Dwayne K. Moring, Judge. Affirmed.

Cynthia M. Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Steven Allen Koski was charged with one count of grand theft of personal property and ten counts of burglary. Koski pleaded guilty to grand theft and the remaining burglary charges were dismissed. The plea agreement specified that any time served would be concurrent with a separate case against Koski and that the sentence

would "stipulate to 3 years local prison." Koski moved for an alternative or "split" sentence under the Criminal Justice Realignment Act of 2011. (Stats. 2011, 1st Ex. Sess. 2011–2012, ch. 15, § 1.) After reviewing the change of plea form, the trial court denied the motion finding the parties had stipulated to a three-year prison commitment. It noted, however, that even if it had the discretion to impose a split sentence, it would decline to do so because Koski's criminal history revealed he was not an appropriate candidate for probation monitoring. Specifically, the court noted that the matter involved two separate cases, Koski had been to prison at least once before and the cases involved great monetary loss to the victims.

The court sentenced Koski to three years in county jail, concurrent with his other case. The trial court imposed several fines and fees and gave Koski credit for time served.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. She presented no argument for reversal, but asked this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Under *Anders v. California* (1967) 386 U.S. 738 (*Anders*), she listed as a possible but not arguable issue, whether the trial court had the discretion to order a split sentence. Assuming the court had this discretion, she contends the court abused its discretion by failing to order a split sentence. We granted Koski permission to file a brief on his own behalf. He has not responded.

Our review of the record pursuant to *Wende*, including the possible issues listed by counsel pursuant to *Anders*, has disclosed no reasonably arguable issues on appeal. Competent counsel has represented Koski on this appeal.

DISPOSITION

The judgment is affirmed.

McINTYRE, J.

WE CONCUR:

BENKE, Acting P. J.

IRION, J.