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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MIGUEL A. MILLAN,

Defendant and Appellant.

D062562

(Super. Ct. Nos. SCN268130,  
SCN233183 & SCN264484)

APPEAL from a judgment of the Superior Court of San Diego County, K. Michael Kirkman, Judge. Affirmed.

In 2009, the court placed Miguel A. Millan on three years' probation for burglary (Pen. Code, § 459; case No. SCN233183) and receiving stolen property (*Id.*, § 496, subd. (a); case No. SCN264484). In 2010, the court placed him on three years' probation for first degree burglary (*Id.*, §§ 459 & 460; case No. SCN268130). In June 2012, the court summarily revoked probation in all three cases. In July, the court reinstated probation for three years and suspended execution of a four-year prison sentence: the four-year middle

term in No. SCN268130 and concurrent two-year middle term sentences in each of the other two cases. Millan appeals.

## BACKGROUND

On April 6, 2012, sheriff's deputies stopped a car Millan was driving. Law enforcement officers conducted a probation search at a residence and, on a dresser in a bedroom, found a methamphetamine pipe containing .02 grams of methamphetamine. Also in the bedroom were photographs, documents and a passport, all belonging to Millan. The officers arrested Millan for possessing a controlled substance (Health & Saf. Code, § 11377, subd. (a)) and possessing drug paraphernalia (*Id.*, § 11364).

## DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*) counsel mentions as possible, but not arguable, issues: (1) whether there was sufficient evidence to support the summary revocation of probation; (2) whether counsel's stipulation regarding laboratory test results fell under Proposition 115, if the stipulation was used as a basis for the probation revocation evidentiary hearing; (3) whether the court committed prejudicial error in admitting evidence of methamphetamine found in the passenger's purse; and (4) whether 0.2 grams of methamphetamine is enough to meet the standard for revocation of probation, when Drug Enforcement Administration guidelines state that a usable amount is 0.05 grams.

We granted Millan permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *Wende* and *Anders*, including the possible issues listed pursuant to *Anders*, has disclosed no reasonably arguable appellate issues. Millan has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

HALLER, J.

IRION, J.