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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JEFFREY COMO,

Defendant and Appellant.

D062702

(Super. Ct. Nos. SCD183138,
SCD198455)

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

Szumowski and Michael T. Smyth, Judges. Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Jeffrey J. Como appeals a judgment following his convictions of selling or furnishing a controlled substance, namely cocaine base (Health & Saf. Code, § 11352, subd. (a)),¹ and carrying a concealed weapon (former Pen. Code, § 12020, subd. (a)).

FACTUAL AND PROCEDURAL BACKGROUND

In 2004, Como was convicted of one count of carrying a concealed weapon (former Pen. Code, § 12020, subd. (a)) in San Diego County Superior Court Case No. SCD183138 (Case B). The trial court granted him probation for three years.

In 2006, Como handed cocaine base to codefendant Jimmy who, in turn, sold it to an undercover police officer. In San Diego County Superior Court Case No. SCD198455 (Case A), a complaint charged Como with selling or furnishing a controlled substance, namely cocaine base (§ 11352, subd. (a)), and also alleged he: (1) sold it within the meaning of Penal Code section 1203.073, subdivision (b)(7); (2) had various Health and Safety Code convictions within the meanings of sections 11370.2, subdivision (a), 11370, subdivision (a), and Penal Code section 1203.07, subdivision (a)(11); and (3) had two prior prison terms within the meaning of Penal Code section 667.5, subdivision (b). Como's probation in Case B was revoked.

Following trial in Case A, the jury found Como guilty of the charged offense and found true the allegation he sold cocaine base within the meaning of Penal Code section

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

1203.073, subdivision (b)(7). Como admitted the truth of the other allegations in the complaint.

At his December 19, 2006, sentencing, the trial court sentenced Como to the lower term of three years for his Case A conviction and imposed a consecutive three-year enhancement for one of the section 11370.2, subdivision (a), allegations, for a total term of six years in prison. The court sentenced Como to a concurrent two-year term for his Case B conviction. The court then suspended proceedings under Welfare and Institutions Code section 3151 and referred Como for treatment at the California Rehabilitation Center (CRC).

On April 30, 2012, the trial court vacated Como's CRC commitment. On August 13, the court reinstated criminal proceedings in Cases A and B. On August 20, the court sentenced Como in Cases A and B to the same terms it imposed in 2006. In Case A, it awarded him 1,619 days of actual custody credits and 272 days of conduct credits, for a total of 1,891 custody credits. In Case B, it awarded him 1,712 days of actual custody credits and 265 days of conduct credits, for a total of 1,977 custody credits. Como timely filed a notice of appeal challenging the judgments in Case A and Case B.

DISCUSSION

Como's appointed counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal of the judgment, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel has not identified any possible issues for our review.

We granted Como permission to file a supplemental brief on his own behalf, but 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 has disclosed no reasonably arguable appellate issues. Como has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

HALLER, Acting P. J.

McINTYRE, J.