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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE, Plaintiff and Respondent, v. RODNEY ENGLAND, Defendant and Appellant.	D062869 (Super. Ct. No. SCN302455)

APPEAL from a judgment of the Superior Court of San Diego County, Kimberlee A. Lagotta, Judge. Affirmed.

Beatrice C. Tillman for Defendant and Appellant.

No Appearance for the Plaintiff and Respondent.

BACKGROUND AND DISCUSSION

On March 5, 2012, Rodney England pleaded guilty to possession of a controlled substance (Health and Saf. Code, § 11350, subd. (a)), and the court granted him probation under Penal Code section 1210.

At an August 2012 hearing, the court declined England's request to remain in drug treatment after summarizing his failures to complete drug treatment. The court stated:

"Seventy two hours [after England pleaded guilty to the drug violation] he failed to appear at probation. First court appearance, [April 4, 2012]. He failed to appear in court. Warrant goes out. He is here on [May 2, 2012]. He admits first [drug rehabilitation violation] for those two violations. [I] order him to probation again. By [an unclear date in 2012] he fails to appear. Next court appearance [June 20, 2012]. He fails to appear. [¶] At this point in time I don't believe him to be amenable for treatment. He has made absolutely no efforts; not even showing up when he is suppose[d] to." The court ruled, "I am terminating him from treatment at this time. I don't believe he would qualify for drug court because of his gang status."

The court sentenced England to two years in state prison. England appeals. We affirm.

Appointed counsel has filed a brief summarizing the facts and proceedings below. 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 a possible but not arguable issue of whether the trial court abused its discretion by denying England reinstatement of probation under Penal Code section 1210.1, and sentencing him to state prison.

We granted England permission to file a brief on his own behalf. He has not responded. Our review of the entire record pursuant to *People v. Wende*, *supra*, 25 Cal.3d 436 and *Anders v. California*, *supra*, 386 U.S. 738, including the possible issue referred to by appellate counsel, has disclosed no reasonably arguable appellate issues. Competent counsel has represented England on this appeal.

DISPOSITION

The judgment is affirmed.

O'ROURKE, J.

WE CONCUR:

McCONNELL, P. J.

BENKE, J.