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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE TRINIDAD LOPEZ,

Defendant and Appellant.

E055924

(Super.Ct.No. FBA1100297)

OPINION

APPEAL from the Superior Court of San Bernardino County. Victor R. Stull, Judge. Affirmed.

Nancy S. Brandt, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant Jose Trinidad Lopez guilty of unlawful firearm activity, having previously been convicted of a crime within the immediate past

10 years.<sup>1</sup> (Pen. Code, § 12021, subd. (c)(1).) After defendant’s motion for new trial was denied, defendant was sentenced to the middle term of two years in county prison with credit for time served. Defendant appeals from the judgment. We find no error and will affirm the judgment.

### FACTUAL BACKGROUND

Defendant lived in a two bedroom house in Barstow with his wife, stepson, and stepdaughter. On May 19, 2011, San Bernardino County Sheriff’s deputies executed a search warrant on defendant’s property. Several deputies entered the house through an unlocked, rear door and found a 12-gauge shotgun, which “[l]ooked rusty, but functional,” with missing parts, in a closet of a room near the back door. The room contained a large-screen projection television, a piano, a coffee table, a sofa bed, and one or two pieces of furniture with drawers. The deputies believed the room was “set up like an entertainment center or den.”

The deputies also found numerous loose rounds of ammunition and a bandolier, containing new-looking shotgun shells, in the room. In addition, the deputies found a box of checks with defendant’s stepson’s name on them in the room, as well as a cellular telephone, a set of keys, a case of CDs, pill bottles, and several heavy coats and random electronic items in the closet where the shotgun was found. A box of ammunition was

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<sup>1</sup> Prior to trial, the parties stipulated that defendant had been convicted of a qualifying crime, which restricted defendant’s ability to own, possess, or control a firearm.

also found on a shelf outside of the room. Defendant was the only person present at the time of the search.

Defendant's stepson testified that he solely occupied the room and paid rent for it. He also claimed that the shotgun belonged to him, but he had forgotten about it; that he found it eight or nine years earlier in an "old shack room" in the back of the house; and that he kept the gun because it might have some value as a collector's item even though the gun was old and missing parts. Defendant's stepson also stated that he collected the shotgun shells found in his room during various hikes he had taken in the mountains. Defendant's stepson further testified that when he first found the shotgun, he told defendant about it and showed it to him, and that his mother also knew about the gun.

#### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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RAMIREZ  
P. J.

We concur:

McKINSTER  
J.

MILLER  
J.