

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT PATRICK RUSH,

Defendant and Appellant.

E058198

(Super.Ct.Nos. SWF1102460,  
SWF1203206, SWF1200838,  
SWF1200211 & SWF1201396)

OPINION

APPEAL from the Superior Court of Riverside County. Jerry E. Johnson, Judge.  
(Retired judge of the L.A. Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6  
of the Cal. Const.) Affirmed.

Patrick Morgan Ford, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Robert Patrick Rush appeals after pleading guilty to  
numerous felony and misdemeanor charges and enhancements in case Nos. SWF1203206

and SWF1102460.<sup>1</sup> Defendant challenges the sentence or other matters occurring after the plea, as well as the validity of the pleas and admissions. We find no error and affirm the judgment.

## I

### FACTUAL AND PROCEDURAL BACKGROUND<sup>2</sup>

In case No. SWF1102460, defendant was subjected to a traffic stop on October 1, 2011, and was found driving on a suspended driver's license. Following a consent by the registered owner of the vehicle, officers discovered 43.4 grams of methamphetamine, baggies of marijuana, a straw, a spoon, and a small scale in a black bag located in the engine compartment of the vehicle.

In case No. SWF1200211, on January 11, 2012, at approximately 11:00 p.m., officers executed a search warrant of defendant's motel room, located about 100 feet from an elementary school. Upon entry, officers discovered three people in the room, including defendant. The officers also discovered 68 grams of methamphetamine, baggies, a scale, smoking pipes, \$2,000 in cash, and 226 grams of marijuana. Defendant claimed that he had a cultivator's license and that the marijuana was possessed for his personal use.

---

<sup>1</sup> The instant matter involves several cases that were later consolidated into two separate cases.

<sup>2</sup> The factual background is taken from the preliminary hearing.

In case No. SWF1200838, on March 23, 2012, defendant was subjected to a traffic stop and was again found driving on a suspended driver's license. Following a consent to search the vehicle, deputies found a digital scale with methamphetamine residue on it. Defendant was arrested on outstanding felony arrest warrants. In defendant's wallet, the deputies also found three counterfeit driver's licenses with different names and defendant's photograph.

In case No. SWF1201396, defendant was a passenger in a vehicle subjected to a traffic stop on May 21, 2012. Following a consent to search the vehicle, deputies found glass pipes, methamphetamine, and knives in a backpack. When questioned, defendant gave his name as "Michael Duncan" and produced a fraudulent driver's license. Another deputy arrived and recognized defendant from prior contacts; defendant then said his true name. When defendant exited the vehicle, a deputy noticed that defendant had a knife in a sheath in his waistband.

In case No. SWF1203206, defendant was arguing with his girlfriend on a public street on August 17, 2012, when defendant was observed by a man on his bicycle punch his girlfriend in the chest. The man confronted defendant, who told him to stay out of his business. Defendant then punched the man in his right eye and in the face several times, knocking him to unconsciousness. The man suffered numerous facial lacerations, a broken nose, broken eye socket, and broken cheek bone.

On August 27, 2012, case Nos. SWF1200838, SWF1200211, and SWF1201396 were consolidated with case No. SWF1102460, and an amended 14-count information

was filed. The amended information charged defendant with selling, transporting, or administering methamphetamine having previously been convicted of drug-related offenses (Health & Saf. Code, §§ 11379, subd. (a), 11370.2, subd. (c), count 1); possession of methamphetamine for sale having previously been convicted of drug-related offenses (Health & Saf. Code, §§ 11378, 11370.2, subd. (c), count 2); possession of marijuana for sale (Health & Saf. Code, § 11359, counts 3 & 6); misdemeanor transportation of less than 28.5 grams of marijuana (Health & Saf. Code, § 11360, subd. (b), count 4); possession of methamphetamine for sale having previously been convicted of drug-related offenses (Health & Saf. Code, §§ 11378, 11370.2, subd. (c), count 5); possession of fraudulent driver's licenses having previously been convicted of felony offenses (Pen. Code, §§ 470b, 1203, subd. (e)(4), count 7); unlawfully passing a forged or counterfeited driver's license knowing it to be false having previously been convicted of felony offenses (Veh. Code, § 4463, subd. (a); Pen. Code, § 1203, subd. (e)(4), count 8); misdemeanor driving on a suspended driver's license (Veh. Code, § 14601.1, subd. (a), count 9); possession of a forged or fraudulent driver's license (Pen. Code, § 470b, count 10); possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a), count 11); possession of a concealed dirk or dagger (Pen. Code, § 21310, count 12); misdemeanor possession of a switch blade in a vehicle (Pen. Code, § 21510, count 13); and misdemeanor possession of drug paraphernalia (Health & Saf. Code, § 11364.1, subd. (a), count 14). The amended information further alleged that defendant committed count 5 within 1000 feet of an elementary school (Health & Saf. Code, § 11353.6,

subd. (b)), and that in the commission of counts 6 and 9, defendant was out on bail when he committed the offenses (Pen. Code, § 12022.1).

On September 14, 2012, in case No. SWF1203206, defendant was charged with assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a), count 1) and misdemeanor battery (Pen. Code, § 242, count 2). The information also alleged that in the commission of count 1 defendant personally inflicted great bodily injury (Pen. Code, § 12022.7, subd. (a)), and that defendant was out on bail when he committed the aggravated assault (Pen. Code, § 12022.1).

On January 30, 2013, in a plea to the court in case Nos. SWF1203206 and SWF1102460, defendant pled guilty as charged and admitted the enhancement allegations. In return, defendant was sentenced to a total term of nine years in state prison in case No. SWF1203206, and a total term of one year in case No. SWF1102460, to run consecutive to case No. SWF1203206. Defendant was given credit for time served and ordered to pay fines and restitution. After directly examining defendant, the trial court found that defendant understood the nature and consequences of the plea and the offenses, that the plea was entered into freely and voluntarily, and that defendant knowingly and intelligently waived his rights.

Defendant filed a notice of appeal in both cases challenging the sentence or other matters occurring after the plea, as well as challenging the validity of the plea. Defendant also filed a request for a certificate of probable cause, which the trial court denied.

II

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.

III

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ

P. J.

We concur:

HOLLENHORST

J.

KING

J.