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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.

XAVIER JORGE GUERRERO et al.,

Defendants and Appellants.

E058358

(Super.Ct.No. FBA1100719)

OPINION

APPEAL from the Superior Court of San Bernardino County. Miriam Ivy Morton, Judge. Affirmed.

Reed Webb, under appointment by the Court of Appeal, for Defendant and Appellant Xavier Guerrero.

Mark D. Johnson, under appointment by the Court of Appeal, for Defendant and Appellant Deon Banks.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Melissa Mandel and Meredith S. White, Deputy Attorneys General, for Plaintiff and Respondent.

Defendants and appellants Guerrero and Banks each received a 16-month sentence after pleading guilty to attempting to possess marijuana for sale. (Pen. Code, § 664; Health & Saf. Code, § 11358.) Each defendant appealed the trial court's ruling that they were not eligible for day-for-day presentence custody credits under Penal Code sections 4019 and 2933. Counsel for each defendant filed an opening brief arguing to that effect. The People filed a respondent's brief conceding the issue. On July 3, 2013, the trial court granted a petition for writ of habeas corpus and ordered the court clerk to prepare a new abstract of judgment as to each defendant, awarding one-for-one presentence custody credits.

Because the trial court's ruling on the petition for habeas corpus made the issues in both defendants' briefs moot, on December 10, 2013, this Court granted the requests of appellate counsel to strike the filing of the defendants' opening briefs and to replace them with revised opening briefs.

Counsel for each defendant has now 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 asking this court to conduct an independent review of the record.

We offered each defendant an opportunity to file a personal supplemental brief, but neither has 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 judgments, as modified by the new abstracts of judgment ordered by the trial court on July 3, 2013 are affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

McKINSTER
J.