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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.

SONIA ANGIE DIAZ,

Defendant and Appellant.

E062265

(Super.Ct.No. BLF1300118)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan and Sarah Adams Christian, Judges. Affirmed.

Richard Schwartzberg, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Sonia Angie Diaz appeals from an order denying her petition to modify/recall her sentence. We find no error, and will affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

On June 7, 2013, a 15-count felony complaint was filed against defendant. The complaint alleged a conspiracy offense, as well as numerous drug-related offenses, and a possession of ammunition by a felon offense. The complaint further alleged that defendant possessed in excess of 14.25 grams of heroin (Pen. Code, § 1203.07, subd. (a); Health & Saf. Code, § 11352.5, subd. (1)) and that defendant had suffered a prior serious and violent felony strike conviction, to wit, assault with a deadly weapon (Pen. Code, §§ 667, subds. (c)-(e)(1), 1170.12, subd. (c)(1)).

On July 17, 2014, pursuant to a plea agreement, defendant, represented by counsel, pled guilty to conspiracy (Pen. Code, § 182, subd. (a)(1); count 1); transportation for sale of a controlled substance, to wit, heroin, across a county line (Health & Saf. Code, § 11352, subd. (b); count 3); transportation for sale of a controlled substance, to wit, methamphetamine, across a county line (Health & Saf. Code, § 11379, subd. (b); count 6); maintaining a dwelling for the purposes of sale or use of controlled substances (Health & Saf. Code, § 11366; count 9); and sale of a controlled substance to a person in custody (Pen. Code, § 4573.9; count 10). Defendant also admitted that she had suffered a prior strike conviction (Pen. Code, §§ 667, subds. (c)-(e)(1), 1170.12, subd. (c)(1)). In return, the remaining charges and enhancement allegations were dismissed and defendant was promised a term of 12 years in state prison. The maximum exposure on all the counts was 32 years. After directly examining defendant, the trial court found that defendant understood the nature of the charges and the consequences of the plea; that the

plea was entered into freely, voluntarily, knowingly, and intelligently; and that there was a factual basis for her plea. Defendant was thereafter sentenced to the agreed-upon term of 12 years in state prison and the remaining charges and enhancement allegations were dismissed. She was also awarded a total of 814 days credit for time served.

Several months later, on September 12, 2014, defendant in pro. per. filed a petition to modify her sentence, asserting that her plea and sentence were a product of lack of counsel and a failure to provide her with a discovery packet. She also argued that the sentence was too long, notwithstanding she had no prior convictions, and the present offenses were nonviolent. The trial court denied the petition.

On September 25, 2014, a petition to recall defendant's sentence was filed with an attached letter from defendant. In the letter, defendant reasserted her request that her sentence be reduced.

On October 6, 2014, the trial court denied defendant's petition to modify/recall her sentence.

On November 3, 2014, defendant filed a notice of appeal with this court.

II

DISCUSSION

After defendant appealed, upon her request, this court appointed counsel to represent her. 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 conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and she has not done so.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

HOLLENHORST

J.

McKINSTER

J.