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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.

RONNIE GUADALUPE CUEVAS,

Defendant and Appellant.

E062871

(Super.Ct.No. FVI1301070)

OPINION

APPEAL from the Superior Court of San Bernardino County. Michael A. Smith, Judge. (Retired judge of the San Bernardino Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Jan Burns, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

## **FACTUAL AND PROCEDURAL HISTORY**

On April 16, 2013, a felony complaint charged defendant and appellant Ronnie Guadalupe Cuevas with felony transportation of phencyclidine under Health and Safety Code section 11379.5, subdivision (a) (count 1); felony possession for sale of phencyclidine under Health and Safety Code section 11378.5 (count 2); misdemeanor driving under the influence of alcohol or drugs under Vehicle Code section 23152, subdivision (a), with a prior conviction under Vehicle Code sections 23540, subdivision (a), and 23546, subdivision (a) (count 3); and misdemeanor being under the influence of a controlled substance under Health and Safety Code section 11550, subdivision (a) (count 4). The complaint further alleged that defendant had suffered one prior strike conviction and one prior prison commitment.

On September 9, 2013, defendant entered a no contest plea to count 1 (transportation of phencyclidine) and count 3 (driving under the influence of alcohol or drugs). Defendant admitted the prior strike conviction.<sup>1</sup> The trial court sentenced defendant to a total term of four years (low term of two years on the transportation of phencyclidine, doubled for the prior strike conviction); plus 364 days on the misdemeanor driving under the influence of alcohol or drugs conviction, to run concurrently. Defendant received a total of 462 days of presentence custody credits (231 actual & 231 conduct credits). Counts 2 and 4 were dismissed.

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<sup>1</sup> On the same day, defendant entered a guilty plea in another case, case No. FVI1300120.

On November 24, 2014, defendant filed a petition to recall his sentence under Penal Code section 1170.18, subdivision (a).

On December 19, 2014, at the hearing on defendant's petition for resentencing, the trial court listed all the petitions seeking reduction in sentence that were denied in the courtroom that day. The court stated, "Then, the petitions to reduce the convictions to misdemeanors and the petitions for resentencing are denied in the following cases, because the defendant is not eligible for relief under Prop 47, due to the nature of the convictions." Defendant's petition was number eight on the list of denied petitions.

On February 6, 2015, defendant filed a timely notice of appeal from the trial court's order denying his petition for resentencing.

### **DISCUSSION**

After 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 undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, and 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 error.

**DISPOSITION**

The judgment is affirmed.

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MILLER  
J.

We concur:

KING  
Acting P. J.

CODRINGTON  
J.