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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.

MANUEL ISAIAS CARDENAS-  
RODRIGUEZ,

Defendant and Appellant.

E063984

(Super.Ct.No. CR67529)

O P I N I O N

APPEAL from the Superior Court of Riverside County. Judith C. Clark, Judge.

Affirmed.

Gerald J. Miller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Manuel Isaias Cardenas-Rodriguez filed two petitions for resentencing pursuant to Penal Code section 1170.18.<sup>1</sup> The court denied defendant's petitions.

After defendant filed a notice of appeal, 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 and requesting this court to undertake a review of the entire record. We affirm.

## I. FACTS AND PROCEDURAL HISTORY<sup>2</sup>

On February 5, 1996, officers conducted a parole search of defendant's residence after receiving information that he was selling methamphetamine and heroin from the residence. The officers' confidential informant reported purchasing methamphetamine from defendant at the residence and seeing handguns inside. Officers located a baggie containing approximately one and a half grams of heroin packaged in four tinfoil bindles common for sales. Officers additionally found one-quarter gram of methamphetamine and one-half gram of marijuana in the pocket of defendant's jacket. Officers also found a .22-caliber revolver containing six rounds and a loaded nine-millimeter handgun. Officers further found an electronic gram scale, "a large triple beam scale," and \$1,920.00 in a money pouch. Defendant's brother reported that "people came to his

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

<sup>2</sup> The parties stipulated the factual basis for defendant's guilty plea was taken from the probation officer's report. We take our recitation of the facts of defendant's commission of the offenses from the probation officer's report.

brother's portion of the house at all times of the day and night, and would leave a short time later.”

On April 23, 1997, defendant pled guilty to possession of heroin for sale (count I; Health & Saf. Code, § 11351); possession of methamphetamine for sale (count II; Health & Saf. Code, § 11358); being a felon in possession of two firearms (count III; Pen. Code, § 12021, subd. (a)(1)); unlawful possession of methamphetamine while armed with a loaded, operable firearm (count V; Health & Saf. Code, § 11370.1); and unlawful possession of heroin while armed with a loaded, operable firearm (count VI; Health & Saf. Code, § 11370.1).<sup>3</sup> Defendant additionally admitted allegations he was personally armed when he committed the counts I and II offenses (Pen. Code, § 12022, subd. (c)), had suffered two prior prison terms (Pen. Code, § 667.5, subd. (b)), and had suffered two prior strike convictions (Pen. Code, §§ 667, subds. (c), (e), 1170.12, subd. (c)). The court sentenced defendant to an indeterminate term of imprisonment of 26 years to life.<sup>4</sup>

The court noted: “When the facts of this case were set before me, I noted that it was not simply you using drugs but you selling drugs which made this case aggravated. It was not you simply using and selling drugs but that you did so in a somewhat sophisticated fashion. When the police went and searched your residence, they found

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<sup>3</sup> Nothing in the record reflected whether defendant had pled guilty or no contest to the charges. By separate order, we took judicial notice of the minute order dated April 23, 1997, which reflects that defendant pled guilty to the charges.

<sup>4</sup> The court imposed but stayed punishment on the section 12022, subdivision (c) enhancements and one of the prior prison term enhancements. (§ 667.5, subd. (b).)

electronic scales and other material that were used in the distribution of the drugs. They found at least two handguns. The Court, in discussing this case with counsel, indicated that those were aggravating factors.” The court denied defendant’s request that it strike either of the prior strike conviction enhancements.

On December 11, 2014, defendant filed a petition for resentencing in which he contended he had solely been convicted of “possession of drugs and stolen guns . . . .” On December 16, 2014, defendant filed a second petition for resentencing. On May 12, 2015, the People filed a response to defendant’s petitions in which they contended defendant was not entitled to the relief he requested because he was not convicted of a felony qualifying for resentencing under section 1170.18. On the same day, the court denied defendant’s petitions noting: “None of the convicted offenses qualify for reduction pursuant to [section] 1170.18.”

## II. DISCUSSION

We offered defendant an opportunity to file a personal supplemental brief, which he has not done. 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. (See Pen. Code, § 1170.18 [convictions under Health & Saf. Code, §§ 11351 (possession for *sales*), 11358 (possession for *sales*), 11370.1 and Pen. Code, § 12021, subd. (a)(1) not statutorily enumerated offenses qualifying for reduction from felonies to misdemeanors].)

## III. DISPOSITION

The judgment is affirmed.

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KING  
J.

We concur:

HOLLENHORST  
Acting P. J.

McKINSTER  
J.