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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.

JOHN MICHAEL ADAMS,

Defendant and Appellant.

E064078

(Super.Ct.No. SWF029218)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

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

No appearance for Plaintiff and Respondent.

STATEMENT OF THE CASE

On September 2, 2009, a complaint charged defendant and appellant John Michael Adams with making criminal threats (Pen. Code,¹ § 422; count 1); dissuading a witness (§ 136.1, subd. (c)(1); count 2); and domestic battery (§ 243, subd. (e)(1); count 3). The complaint also alleged that defendant had served two prior prison terms (§ 667.5, subd. (b)), and had previously been convicted of three serious felonies (§§ 667, subds. (a), (c) & (e)(2)(A), 1170.12, subd. (c)(2)).

On January 4, 2010, defendant pled guilty to count 1 (making criminal threats), and admitted a single prior serious felony conviction for purposes of section 667, subdivision (a), enhancement and the “Three Strikes” law. In exchange, the prosecutor agreed to dismiss all other charges and allegations; and that defendant would receive a sentence of 11 years in state prison, the upper term of three years for the violation of section 422, doubled per the strike prior, and a five-year consecutive term for the section 667, subdivision (a), enhancement. The trial court sentenced defendant in accordance with the plea agreement.

Five years later, on January 23, 2015, defendant filed a petition for rehearing under sections 1170.18 (Proposition 47) and 1170.126 (Proposition 36). On June 11, 2015, the trial court denied the petition because section 422 is not a qualifying felony.

On July 23, 2015, defendant filed a notice of appeal; on July 31, 2015, he filed an amended notice of appeal.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

DISCUSSION²

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, 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 error.

DISPOSITION

The judgment is affirmed.

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MILLER J.

We concur:

RAMIREZ
P. J.

KING
J.

² Since the appeal pertains solely to the trial court’s denial of defendant’s petition for resentencing, a separate statement of facts is not necessary.