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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.

KENT DIXON,

Defendant and Appellant.

E065052

(Super.Ct.No. RIF1501493)

OPINION

APPEAL from the Superior Court of Riverside County. Steven G. Counelis,
Judge. Affirmed.

Nancy S. Brandt, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a negotiated plea agreement, defendant and appellant Kent Dixon
pleaded guilty to felon in possession of a firearm (Pen. Code, § 29800, subd. (a)(1)). He
also admitted that he had suffered one prior strike conviction (Pen. Code, §§ 667,

subds. (c) & (e)(1), 1170.12, subd. (c)(1)). In return, the remaining charge was dismissed, and defendant was sentenced to a stipulated term of four years in state prison to run concurrent to the sentence in another matter. Defendant appeals from the judgment, challenging the sentence or other matters occurring after the plea as well as the validity of the plea and admission based on ineffective assistance of counsel. We find no error and affirm the judgment.

I

FACTUAL AND PROCEDURAL BACKGROUND

On April 7, 2015, defendant willfully and unlawfully possessed a .25-caliber semiautomatic pistol and ammunition having been previously convicted of a felony.

On April 9, 2015, a felony complaint and a petition to revoke defendant's probation in another matter was filed. The complaint charged defendant with felon in possession of a firearm (Pen. Code, § 29800, subd. (a)(1)) and unlawful possession of ammunition and reloaded ammunition (Pen. Code, § 30305, subd. (a)). The complaint further alleged that defendant had suffered one prior strike conviction (Pen. Code, §§ 667, subds. (c) & (e)(1), 1170.12, subd. (c)(1)).

On August 21, 2015, defendant made a *Marsden*¹ motion. The motion was heard and denied.

On September 23, 2015, pursuant to a negotiated plea agreement, defendant pled guilty to felon in possession of a firearm and admitted the prior strike conviction in

¹ *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*).

exchange for a stipulated term of four years (the middle term of two years doubled to four due to the prior strike) in state prison. Defendant also admitted that he was in violation of his probation in another matter. After directly examining defendant, the trial court found that defendant understood the nature of the charges and the consequences of the plea and admission; that the plea and admission were entered into voluntarily, knowingly, and intelligently; and that there was a factual basis for his plea.

On October 23, 2015, defendant was sentenced to four years in state prison in accordance with his plea agreement to run concurrent to the sentence in his probation violation case. Defendant was awarded presentence custody credits of 288 days.

On December 18, 2015, defendant filed a notice of appeal and request for certificate of probable cause, challenging the sentence or other matters occurring after the plea as well as the validity of the plea based on ineffective assistance of counsel, counsel's failure to file a *Romero*² motion, and the trial court's denial of his *Marsden* motion. On December 21, 2015, the trial court granted defendant's request for certificate of probable cause.

II

DISCUSSION

After defendant appealed, 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

² *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497 (*Romero*).

the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the 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 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.