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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.

RONALD EVERT BARR,

Defendant and Appellant.

E065391

(Super.Ct.No. SICRF97222330)

OPINION

APPEAL from the Superior Court of Riverside County. Jerold L. Turner, Judge.
(Retired judge of the Kern Super. Ct. assigned by the Chief Justice pursuant to art. VI, §
6 of the Cal. Const.) Affirmed.

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

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

Defendant and appellant Ronald Evert Barr filed an in propria persona petition seeking to have his 1997 conviction for grand theft under Penal Code section 487 set aside under Penal Code section 1203.4. The trial court set a hearing date and appointed counsel.

The recommendation from the probation department indicated defendant had been convicted of first degree burglary under Penal Code sections 459 and 460 and was presently serving a prison sentence for violating Penal Code section 288, subdivision (a)(1). Thus, defendant was ineligible for relief under Penal Code section 1203.4.

The trial court denied defendant's petition for relief under Penal Code section 1203.4 on the basis that defendant was serving a prison term.

On February 2, 2016, defendant filed a timely notice of appeal.

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, 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:

McKINSTER
Acting P. J.

CODRINGTON
J.