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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE TOBIAS ALVAREZ, JR.,

Defendant and Appellant.

F063035

(Super. Ct. No. VCF237883)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Tulare County. Darryl B. Ferguson, Judge.

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Wiseman, Acting P.J., Poochigian, J., and Detjen, J.

On June 3, 2011, after the court stated an indicated sentence of five years, appellant, Jose Tobias Alvarez, Jr., pled no contest to transportation of methamphetamine (Health & Saf. Code, § 11379, subd. (a))¹ and admitted a prior drug offense enhancement allegation (§ 11370.2, subd. (c)). On June 29, 2011, the court imposed a five-year prison term, consisting of the two-year lower term on the substantive offense and three years on the enhancement. Appellant filed a timely notice of appeal. Insofar as the record reveals, he did not request, and the court did not issue, a certificate of probable cause (Pen. Code, § 1237.5).

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d. 436.) Appellant has not responded to this court's invitation to submit additional briefing. We affirm.

FACTUAL BACKGROUND

The Instant Offense

The report of the probation officer states that according to Tulare County Sheriff's Department reports, the following occurred on May 30, 2010. At approximately 7:09 a.m., deputies executed a stop of a vehicle "with black tint on both the front driver and passenger windows." Appellant was the driver. After he indicated he did not have a driver's license, registration, or proof of insurance, "Dispatch" advised the deputies that appellant's driver's license had been suspended and that appellant "had an active warrant"

¹ Except as otherwise indicated, all statutory references are to the Health and Safety Code.

Appellant was removed from the vehicle. A deputy conducted a pat-down search and “felt a large bulge in [appellant’s] pockets.” Appellant stated it was “money.” It was “removed” and “a clear baggie was observed between the money that was folded in half.” It was determined the baggie contained 6.8 grams of methamphetamine. A search of the vehicle produced a glass smoking pipe and two digital scales. Appellant admitted the methamphetamine was his, but denied ownership of the scales.

Appellant’s Prior Drug Offense Conviction

Appellant was convicted of a violation of section 11379, subdivision (a) in 2010.

DISCUSSION

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

DISPOSITION

The judgment is affirmed.