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

THE PEOPLE,

Plaintiff and Respondent,

v.

KEN ROGERS,

Defendant and Appellant.

F064630

(Super. Ct. No. F10906533)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. D. Tyler Tharpe, 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 Gomes, Acting P.J., Kane, J. and Detjen, J.

Appellant, Ken Rogers, pled guilty to possession for sale of marijuana (Health & Saf. Code, § 11359).¹ On March 2, 2012, the court sentenced Rogers to a 16-month term with six months to be served in local custody and the remaining 10 months on mandatory supervised release.

Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we affirm.

FACTUAL AND PROCEDURAL HISTORY

On December 1, 2010, at 3:29 p.m., a Fresno County Sheriff's deputy stopped the truck Rogers was driving after he failed to stop at a stop sign. After the deputy determined that Rogers was on felony probation, Rogers told him that he had a little "weed" in the truck and a medical marijuana card. The deputy searched the truck and found several glass jars that contained a total of 2.366 pounds of marijuana. Rogers then told the deputy that he ran a medical marijuana cooperative and gave the marijuana away. Rogers, however, was unable to provide a medical marijuana card or any documents indicating that he had a Fresno County Medical Marijuana Cooperative business license. The deputy contacted Rogers's probation officer and was informed that Rogers was prohibited from possessing narcotics and was in violation of his probation.

Rogers told a second deputy that he had the required documentation at his residence and took both deputies there. During a search of Rogers's trailer, the deputies found 13.182 pounds of marijuana, 16 syringes that contained a brownish liquid, a spoon with cocaine residue, and a second spoon containing methamphetamine residue. Rogers told the deputies that the marijuana belonged to the cooperative he ran and that he was going to give it away to people who needed medical marijuana. After he was arrested, Rogers stated that he had been using methamphetamine off and on since he was a teenager and that the syringes and spoons belonged to him.

¹ All further statutory references are to the Health & Safety Code, unless otherwise indicated.

On December 30, 2010, the district attorney filed a complaint charging Rogers with possession for sale of marijuana (count 1), transportation of marijuana (count 2/§ 11360, subd. (a)), possession of methamphetamine (count 3/§ 11377, subd. (a)), and possession of a hypodermic needle (count 4/Bus. & Prof. Code, § 4140).

On January 17, 2012, Rogers pled guilty to the possession for sale of marijuana count in exchange for the dismissal of the remaining counts and a stipulated local prison commitment of 16 months.

On March 2, 2012, as per his plea agreement, the court sentenced Rogers to a local prison term of 16 months and ordered Rogers to serve the first six months in local custody and the remaining 10 months on supervised release.

Rogers's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*Wende, supra*, 25 Cal.3d 436.) Rogers has not responded to this court's invitation to submit additional briefing.

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

DISPOSITION

The judgment is affirmed.