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

THE PEOPLE,

Plaintiff and Respondent,

v.

IGNACIO SOLORIO MORALES,

Defendant and Appellant.

F065893

(Super. Ct. No. F12901858)

**OPINION**

**THE COURT**\*

APPEAL from a judgment of the Superior Court of Fresno County. Jon M. Skiles,  
Judge.

J. Edward Jones, 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., Levy, J., and Detjen, J.

## INTRODUCTION

On August 6, 2012, appellant, Ignacio Solorio Morales executed a felony advisement, waiver of rights, and plea form and entered into a plea agreement. Appellant waived his constitutional rights in the plea form and in court pursuant to *Boykin v. Alabama* (1969) 395 U.S. 238 and *In re Tahl* (1969) 1 Cal.3d 122. The parties stipulated to a factual basis for the plea and appellant pled no contest to felony possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a), count 1) and driving a vehicle while under the influence of alcohol or drugs, a misdemeanor (Veh. Code, § 23152, subd. (a), count 2). Count 3, an allegation of being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)), was dismissed.

On August 29, 2012, the trial court suspended imposition of sentence and placed appellant on probation for three years upon various terms and conditions, including that he serve 236 days in jail for count 1. Appellant was granted 236 total custody credits for time served and conduct credits. The court ordered appellant to pay fines and fees. Appellant did not obtain a certificate of probable cause. Appellate counsel has filed a brief seeking independent review of the case by this court pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

## FACTS

According to the probation officer's report, California Highway Patrol Officer Lopez was dispatched to the intersection of Cornelia and Lincoln Avenue at 8:50 p.m. on December 14, 2011, to investigate a possible impaired driver. Appellant had been detained by a Fresno County Sheriff's Deputy. Lopez observed appellant moving erratically, unable to sit still, and extremely unsteady on his feet. Appellant was wearing only his underwear and one sock. Appellant believed his wife and child were in the vehicle with him, but no one else was present. Appellant was arrested and taken into custody. Appellant was searched and .3 grams of methamphetamine was found in his

wallet. Appellant waived his *Miranda*<sup>1</sup> rights and told officers he was offered cocaine by two males in a field somewhere.

### **APPELLATE COURT REVIEW**

Appellant's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*Wende, supra*, 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that appellant was advised he could file his own brief with this court. By letter on January 8, 2013, we invited appellant to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

### **DISPOSITION**

The judgment is affirmed.

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<sup>1</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.