

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT MANUEL POZOS,

Defendant and Appellant.

F068381

(Stanislaus Super. Ct. No. 1461712)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Marie Sovey Silveira, Judge.

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

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

-ooOoo-

* Before Kane, Acting P.J., Franson, J. and Peña, J.

INTRODUCTION

Appellant/defendant Robert Manuel Pozos was sentenced to two years pursuant to a negotiated disposition after pleading no contest to possession of methamphetamine. On appeal, his appellate counsel has filed a brief that summarizes the facts with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We affirm.

FACTS¹

On or about July 30, 2013, an officer responded to a report of a man and woman in a physical altercation on Highway 99. Defendant consented to be searched, and the officer found a baggie with 0.25 grams of methamphetamine on his body. The officer also found a backpack in defendant's car, which contained ammunition. Defendant admitted possession of both items. He had prior felony convictions and was prohibited from possessing ammunition.

Procedural history

On July 31, 2013, a complaint was filed in the Superior Court of Stanislaus County charging defendant with count I, possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)); count II, unlawful possession of ammunition (Pen. Code, § 30305, subd. (a)); counts III and IV, misdemeanor possession of narcotics paraphernalia (Health & Saf. Code, § 11364.1, subd. (a)), with eight prior prison term enhancements (Pen. Code, § 667.5, subd. (b)).

On September 3, 2013, defendant pleaded no contest to counts I and II, and waived preparation of a probation report. He was sentenced to two years for count I, with a concurrent term of two years for count II, pursuant to a negotiated disposition. The remaining charges and enhancements were dismissed.

¹ The facts are from the prosecution's statement of the factual basis for defendant's plea.

On January 29, 2014, this court deemed defendant's notice of appeal to have been timely filed. The superior court granted his request for a certificate of probable cause based on ineffective assistance for his attorney's alleged failure to advise him about the status of his prior convictions.

DISCUSSION

As noted above, defendant's counsel has filed a *Wende* brief with this court. The brief also includes the declaration of appellate counsel indicating that defendant was advised he could file his own brief with this court. By letter on March 3, 2014, we invited defendant to submit additional briefing. To date, he has not done so.

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

DISPOSITION

The judgment is affirmed.