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

THE PEOPLE,

Plaintiff and Respondent,

v.

JAIME CONTRERAS,

Defendant and Appellant.

F071431

(Super. Ct. No. VCF301396B)

**OPINION**

**THE COURT**\*

APPEAL from a judgment of the Superior Court of Tulare County. Brett R. Alldredge, Judge.

Laurie Wilmore, 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 Levy, Acting P.J., Gomes, J. and Poochigian, J.

Jaime Contreras pled guilty to two counts of possession of methamphetamine for the purposes of sale, and admitted a weight enhancement. Appellate counsel could not identify any arguable issues in the record. We will affirm the judgment.

#### FACTUAL AND PROCEDURAL SUMMARY

The complaint charged Contreras with possession of methamphetamine for sale (Health & Saf. Code, § 11378),<sup>1</sup> and maintaining a place for selling or using methamphetamine (§ 11366). Both counts also alleged the amount of methamphetamine in Contreras's possession exceeded 10 kilograms within the meaning of section 11370.4, subdivision (b)(3).<sup>2</sup>

The charges appear to have been filed as a result of the use of a confidential informant by the police and a search conducted of the defendant's residence without a search warrant. Contreras filed a motion to suppress, which appears to have been granted, at least in part.

After Contreras's motion was granted, the parties entered into a plea agreement. Amendments were made to the complaint to comply with the agreement. Contreras pled guilty to possession for sale with a quantity enhancement pursuant to section 11370.4, subdivision (b)(1) (methamphetamine in excess of one kilogram), and to an added count of possession of methamphetamine for the purposes of sale, both counts in violation of section 11378. The second count was alleged to have occurred on a different day than the first count. Contreras was to be sentenced to a term of three years for the first possession for sale count, enhanced by a consecutive term of three years for the quantity enhancement, for a total term of six years in jail. The sentence on the second count was to be run concurrently, and all other charges dismissed.

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<sup>1</sup> Undesignated statutory references are to the Health and Safety Code.

<sup>2</sup> The complaint also charged Leonel Contreras Sandoval and Antonio Lopez with various crimes. This appeal is by Contreras only.

Contreras was sentenced as indicated. His notice of appeal did not request a certificate of probable cause.

## DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende* (1972) 2 Cal.3d 436 asserting she could not identify any arguable issues in this case. By letter dated July 29, 2015, we invited Contreras to inform us of any issues he wished us to address. Contreras did not reply to our letter within the time frame indicated in the letter.

However, on December 21, 2015, we received a letter from Contreras which we understand questions why he was sentenced on two counts when there was only one crime.<sup>3</sup> He also questions, we believe, why he was not eligible to serve a portion of his sentence on mandatory supervision pursuant to the provisions of Penal Code section 1170, subdivision (h)(5)(A). Finally, we note that in his notice of appeal, Contreras asserts he wished to withdraw his guilty plea because at the time of the plea he was on medication, apparently resulting in his not entering into the plea freely and knowingly.

Contreras's questions do not raise any cognizable issues. As part of the plea agreement, the complaint was amended to add a fourth count which charged Contreras with possession of methamphetamine for the purpose of sale on a different date than the count originally filed. Therefore, Contreras's plea was to possession for sale on two different dates.

As to the second issue identified by Contreras, his plea agreement specifically prohibited service of his sentence on mandatory supervision, instead requiring the entire sentence be served in county jail, with time reductions for conduct credit.

Finally, there is no evidence in the record to support the contention that Contreras was on any type of medication when he entered his plea. In fact, in response to a

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<sup>3</sup> Contreras's letter was written in Spanish. Court personnel have interpreted the letter to permit a response.

question from the trial court, Contreras denied he was on any medication or suffering from any illness that would prevent him from understanding the proceedings. Therefore, there is no merit to this contention.

Our review of the record did not reveal any arguable issues in this case. Contreras was assisted by a Spanish language interpreter throughout the proceedings. The trial court ensured he had ample opportunity to discuss the matter with his counsel, and fully advised him of the terms of the plea agreement and the rights he would be giving up if he entered the plea. Contreras did not have any questions about his plea. He was sentenced to the term to which he agreed, and additional counts and enhancements were dismissed.

#### DISPOSITION

The judgment is affirmed.