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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOE ANTHONY GONZALEZ,

Defendant and Appellant.

G051847

(Super. Ct. Nos. 98HF0309;
03NF2956; 10NF0047; 06NF4517;
09CF1541; 06SF0142; 13NF0265)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Thomas A. Glazier, Judge. Affirmed.

Thomas K. Macomber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

We appointed counsel to represent Joe Anthony Gonzalez on appeal. Counsel filed a brief that set forth the facts of the case. Counsel did not argue against his client but advised the court he found no issues to argue on his behalf. We gave Gonzalez 30 days to file written argument on his own behalf. That time has passed, and Gonzalez did not file any written argument.

Counsel filed a brief following the procedures outlined in *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). The court in *Wende* explained a *Wende* brief is one that sets forth a summary of proceedings and facts but raises no specific issues. Under these circumstances the court must conduct an independent review of the entire record. When the appellant himself raises specific issues in a *Wende* proceeding, we must expressly address them in our opinion and explain why they fail. (*People v. Kelly* (2006) 40 Cal.4th 106, 124.) Here, Gonzalez did not file a supplemental brief raising any issues.

Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), to assist the court with its independent review, counsel provided the court with information as to one issue that might arguably support an appeal. Did the trial court abuse its discretion when it ruled Gonzalez was not eligible for relief pursuant to Penal Code section 1170.18, subdivision (i) (all further statutory references are to the Penal Code), where the section 290 registration conviction occurred subsequent to the dates of conviction for the cases in which Gonzalez requested resentencing or redesignation of prior convictions as misdemeanors pursuant to section 1170.18, subdivisions (a) and (f)?

We have reviewed the record in accordance with our obligations under *Wende* and *Anders*, and considered the information provided by counsel. We found no arguable issues on appeal. The judgment is affirmed.

FACTS

Gonzalez petitioned the trial court under section 1170.18 to have his felony convictions in seven prior cases reduced to misdemeanors. The district attorney did not initially oppose the petitions indicating Gonzalez was entitled to resentencing under

section 1170.18. All of the felony convictions were qualifying felonies. Upon learning Gonzalez had suffered a conviction for a violation of section 314 (indecent exposure), an offense requiring section 290 registration, the district attorney opposed all seven petitions.

In April 2015, the trial court heard and denied all the petitions. Gonzalez timely appealed.

DISCUSSION

A review of the record pursuant to *Wende, supra*, 25 Cal.3d 436, and *Anders, supra*, 386 U.S. 738, including the possible issue raised by appellate counsel has disclosed no reasonably arguable appellate issue.

DISPOSITION

The judgment is affirmed.

O'LEARY, P. J.

WE CONCUR:

FYBEL, J.

IKOLA, J.