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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.

JAMES RUDOLPH JONES

Defendant and Appellant.

G051973

(Super. Ct. No. 13WF1343)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Christopher Evans, Commissioner. Affirmed.

Johanna S. Schiavoni, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

Appellant James Rudolph Jones pled guilty in 2013 to two crimes: felony possession of heroin (Health & Saf. Code, § 11350) and misdemeanor false identification to a peace officer (Pen. Code, § 148.9). He admitted two prior felony convictions and was sentenced to five years in prison. Late last year, he filed an application to have his felony convictions reduced to misdemeanors pursuant to Penal Code section 1170.18, subdivision (f), a motion for what is generally referred to as Proposition 47 relief.

The trial court granted the motion as to the heroin possession felony and reduced the crime to a misdemeanor. It then changed his sentence to a year in county jail and gave him credit for time served. That was all good news for Jones. But the court also added a one-year parole period to Jones's sentence, to run from his release from custody, and Jones appealed from that addition.

We appointed counsel to represent him on that appeal. But while the appeal was pending, Jones moved the trial court to delete the parole tail based on *People v. Morales* (2015) 238 Cal.App.4th 42 (rev. granted, Aug. 26, 2015) and *People v. Pinon* (2015) 238 Cal.App.4th 1232 (rev. granted Nov. 18, 2015). The court granted his motion, ordered him immediately discharged from parole, and ordered all fines deemed paid in full.

This left appellate counsel in a bit of a quandary: her client had already received the relief she had been asked to seek. Counsel did what the law requires. She filed a brief which set forth the procedural facts of the case (the facts of the crimes themselves are largely irrelevant because the argument was solely directed at Jones's plea and the application to it of Pen. Code, § 1170.18). She did not argue against her client, but advised us there were no issues left to argue on his behalf. Jones was invited to express his own objections to the proceedings against him, but – quite understandably – did not. Under the law, this put the onus on us to review the record and see if *we* could find any issues that might result in some kind of amelioration of Jones's lot. (*People v. Wende* (1979) 25 Cal.3d 436.) But of course there is nothing left to ameliorate.

We have examined the record and found no arguable issue left. Appellant has received the only relief he could have obtained by appeal. We have no occasion to examine the accuracy or propriety of the court's rulings below because the People have not appealed. The order is therefore affirmed.

BEDSWORTH, ACTING P. J.

WE CONCUR:

ARONSON, J.

THOMPSON, J.