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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDRE LORENZO PORTER,

Defendant and Appellant.

H038284

(Monterey County

Super. Ct. No. SS111010)

Defendant Andre Lorenzo Porter, who was subject to registration as a sex offender, pleaded no contest to one count of failing to inform the last registering agency in writing within five working days of a change of address in violation of Penal Code section 290.013, subdivision (a).¹ After granting the district attorney's motion to dismiss two prior strike convictions, the trial court sentenced Porter to serve the upper term of three years in prison and ordered him to pay various fines and fees. Porter timely appealed. We have conducted an independent review of the record to determine whether there is any arguable issue on appeal. Having found no such issue, we will affirm the judgment.

¹ Further unspecified statutory references are to the Penal Code.

DISCUSSION

I. *Factual Background*²

Porter was convicted in 2000 of two counts of continuous sexual abuse of a child under the age of 14 in violation of section 288.5, subdivision (a). Sentence was suspended and he was placed on probation for 12 years. Among other things, he was required to register as a sexually violent predator under the Sex Offender Registration Act, section 290, et seq.

Porter married a woman from the Philippines in or around 2006, his second marriage. He had met her in San Jose but traveled to the Philippines to marry her. He did not report his marriage to probation. His wife remained in the Philippines but he returned to Monterey County to complete his term of probation. In March 2011, his wife terminated their relationship after Porter had been informed by one of her relatives that she had been cheating on him. Porter became psychologically distressed by these events. At the time, he was renting a room in a duplex. His roommate was his landlady.

On March 16, 2011, after 11 years of uneventful probation, he told his roommate that he would be gone for a few days to visit his uncle in San Jose. He was having trouble paying the rent, and he agreed in writing to vacate the duplex by April 1st, when a new tenant would be moving in. Porter left his belongings in his room and his car in front of the house. But April 1st came and went, with no word from Porter. On April 14, 2011, Porter's roommate reported to police that he was missing.

Five days later, on April 19, 2011, Porter arrived at San Francisco International Airport on a flight from the Philippines, where he had gone to try to reconcile his relationship with his wife. He did not receive permission from the probation department for this trip, something he had gotten for a prior trip in 2008. Upon his arrival in San

² The factual background is derived from the probation officer's report and a psychological evaluation included in the clerk's transcript.

Francisco, Customs Officers were clearing Porter for re-entry into the United States and found that he had been reported missing. He explained that he had been in the Philippines since March 21, 2011, and added that he did not know who had reported him missing. He complained of being sick and dizzy and was transported via ambulance to a hospital.

Porter was determined to be suffering from “uncontrolled diabetes, depression, and suicidal ideation.” Due to his mental condition, he was involuntarily admitted to the hospital’s psychiatric unit. He called his probation officer, who told him that he could not then register as a sex offender but instructed him to do so when he was released from the hospital. Porter hired an attorney to assist with his release but he was involuntarily held until May 16, 2011. On May 31, 2011, Porter called the Marina Police Department and said he was planning to move there. He scheduled an appointment for the next day to update his section 290 registration as he no longer lived at his prior registered address in Seaside.

Marina police contacted Seaside police, who arrested Porter on June 1, 2011, for failing to comply with his registration requirements by moving from Seaside without informing authorities and failing to register within five days of his birthday. While investigating, police learned that Porter had also violated his probation by traveling to the Philippines without the consent of the probation department.

II. *Procedural Background*

On July 18, 2011, Porter was charged by information with one count of failing to inform the last registering agency within five working days of a change of address and location—a violation of section 290.013, subdivision (a). The information further alleged that Porter had two prior convictions within the meaning of section 1170.12, subdivision (b)(2). On November 15, 2011, Porter pleaded no contest to the charge. The district

attorney moved to dismiss the strike priors, a motion which the trial court indicated it would address at sentencing.³

On May 1, 2012, the court dismissed the strike priors and sentenced Porter to the upper term of three years in state prison.⁴ The court imposed various fines and fees and awarded 24 days of pre-sentence credit.

Porter filed a timely notice of appeal in which he challenged matters occurring after the plea and not affecting its validity, for which a certificate of probable cause is not required. (Cal. Rules of Court, rule 8.304(b)(4)(B).)

DISCUSSION

We appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief which stated the case and the facts but raised no specific issues. We notified defendant of his right to submit written argument on his own behalf within 30 days. We have received no written argument from defendant.

We have reviewed the entire record pursuant to *Anders v. California* (1967) 386 U.S. 738, and *People v. Wende* (1979) 25 Cal.3d 436. Based upon that review, we have concluded that there is no arguable issue on appeal. (*People v. Johnson* (1981) 123 Cal.App.3d 106, 109 [issue is “arguable” when it has some potential for success, meaning some possibility of a result requiring reversal or modification of the judgment].)

DISPOSITION

The judgment is affirmed.

³ Porter also admitted the probation violation in his prior, separately numbered case (SS982793), in which he was potentially facing a maximum 12-year sentence.

⁴ The court also sentenced Porter on the probation violation.

Márquez, J.

WE CONCUR:

Premo, Acting P.J.

Mihara, J.