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

THE PEOPLE,

Plaintiff and Respondent,

v.

HECTOR RODRIGUEZ CONTRERAS,

Defendant and Appellant.

H040402

(Monterey County

Super. Ct. Nos. SS131149B,

SS131950A)

**I. INTRODUCTION**

In case No. SS131149B, defendant Hector Rodriguez Contreras pleaded no contest to felony possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a))<sup>1</sup> and was placed on Proposition 36 probation (see Pen. Code, § 1210.1, subd. (a)). Proposition 36 probation was terminated after defendant pleaded no contest to felony vehicle theft (Veh. Code, § 10851, subd. (a)) in another case, case No. SS131950A, and was placed on probation for three years.

Defendant filed a timely notice of appeal, and we appointed counsel to represent him in this court. Appointed counsel has filed an opening brief that states the case and facts but raises no issue. We notified defendant of his right to submit written argument

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<sup>1</sup> All further statutory references are to the Health and Safety Code unless otherwise indicated.

on his own behalf within 30 days. The 30-day period has elapsed and we have received no response from defendant.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*), we have reviewed the entire record. Following the California Supreme Court's direction in *Kelly, supra*, at page 110, we provide "a brief description of the facts and procedural history of the case, the crimes of which the defendant was convicted, and the punishment imposed."

## **II. FACTUAL BACKGROUND**

In case No. SS131149B, the November 2013 probation report indicates that on June 8, 2013, defendant was a passenger in a car that was stopped for traffic violations. Defendant was found to be in possession of a substance that tested presumptive positive for amphetamines.

In case No. SS131950A, the November 2013 probation report indicates that on September 27, 2013, defendant was a passenger in another car that was stopped due to inoperable tail lights. Investigation showed that the car had been stolen and had license plates that belonged to a different stolen car. After defendant was arrested, he admitted that he had used methamphetamine the day before his arrest.

## **III. PROCEDURAL BACKGROUND**

### **A. Case No. SS131149B**

In case No. SS131149B, defendant was charged by complaint filed on June 11, 2013, with transportation of methamphetamine (§ 11379, subd. (a); count 1) and possession of controlled substance paraphernalia (§ 11364.1, subd. (a); count 2). The complaint was amended to add count 3, felony possession of methamphetamine (§ 11377, subd. (a)). Defendant pleaded no contest to count 3 on July 1, 2013. All remaining charges were dismissed pursuant to Penal Code section 1385. Imposition of sentence was suspended and defendant was placed on Proposition 36 probation for 18 months. He was ordered to serve eight days with credit for time served of eight days.

The trial court also ordered defendant to pay a \$280 restitution fine (Pen. Code, § 1202.4, subd. (b)) and suspended the imposition of the probation revocation restitution fine (Pen. Code, § 1202.44). Additionally, the court ordered payment of a court operations assessment fee of \$40 (Pen. Code, § 1465.8, subd. (a)(1)), a court facilities assessment fee of \$30 (Gov. Code, § 70373), a criminal justice administration fee in accordance with defendant's ability to pay (Gov. Code, §§ 29550.1, 29550.2), a criminal laboratory analysis fee of \$565 (that included the \$280 restitution fine) (§ 11372.5) and a drug program fee of \$ 205 (§ 11372.7).

A notice of violation of probation was filed in case No. SS131149B on September 30, 2013. The petition stated that defendant had violated the terms of his probation by refusing to submit to a chemical test. Defendant was found in violation of probation on October 9, 2013 and probation was revoked to retain jurisdiction. Thereafter, on November 15, 2013, the trial court terminated Proposition 36 probation and ordered defendant to serve 180 days.

**B. Case No. SS131950A**

In case No. SS131950A, the complaint was filed on September 30, 2013. The complaint alleged that defendant had committed felony vehicle theft (Veh. Code, § 10851, subd. (a); count 1) and misdemeanor possession of burglar's tools (Pen. Code, § 466; count 2). On October 9, 2013, defendant pleaded no contest to count 1 on the condition that he receive felony probation. At the sentencing hearing held on November 15, 2013, the trial court placed defendant on probation for three years and ordered that he serve 100 days in county jail, with a credit for time served of 100 days. All remaining charges were dismissed pursuant to Penal Code section 1385.

The trial court ordered defendant to pay victim restitution in amount to be determined (Pen. Code, § 1202.4, subd. (f)), an emergency medical air transportation penalty of \$4 (Gov. Code, § 76000), a \$280 restitution fine (Pen. Code, § 1202.4, subd. (b)), and suspended the imposition of the probation revocation restitution fine

(Pen. Code, § 1202.44). The court also ordered payment of a court operations assessment fee of \$40 (Pen. Code, § 1465.8, subd. (a)(1)), a court facilities assessment fee of \$30 (Gov. Code, § 70373), and a criminal justice administration fee in accordance with defendant's ability to pay (Gov. Code, §§ 29550.1, 29550.2).

#### **IV. WENDE ANALYSIS**

Defendant filed a notice of appeal in both cases on November 18, 2013, that states that the appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea. Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*Wende, supra*, 25 Cal.3d at pp. 441-443.)

#### **V. DISPOSITION**

In case No. SS131149B, the judgment is affirmed. In case No. SS131950A, the judgment is affirmed.

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BAMATTRE-MANOUKIAN, ACTING P.J.

WE CONCUR:

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MIHARA, J.

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GROVER, J.