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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT ALLEN HARRIS,

Defendant and Appellant.

D077209

(Super. Ct. No. SCN403555)

APPEAL from a judgment of the Superior Court of San Diego County, David G. Brown, Judge. Affirmed.

Robert Allen Harris, in pro. per.; and Charles R. Khoury Jr., under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted Robert Allen Harris of possession of methamphetamine and heroin for sale (Health and Saf. Code, §§ 11378 and 11351). Harris was sentenced to a term of four years in local prison. All fines, fees, and assessments were stayed in light of *People v. Dueñas* (2019) 30 Cal.App.5th 1157.

Harris filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating he has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Harris the opportunity to file his own brief on appeal and he has responded with a supplemental brief. We will discuss Harris's submission below.

STATEMENT OF FACTS

Oceanside police were called to an abandoned house based on a report of trespassers on the property.

When police arrived, Harris apparently fled to the roof of the house where he was ultimately detained by police.

A search of the premises revealed a black pouch partially concealed in a hole in a chair. The pouch contained heroin and methamphetamine. Police located a phone on a table next to the chair. Later search of the phone revealed a connection between Harris, using the moniker Byrd, and his girlfriend Gina.

During the process of the search of the house police found four phones, in addition to the one ultimately tied to Harris. The fact that four other occupants claimed the other phones and police tied Harris to the unclaimed phone was admitted over hearsay objections.

Later calls from the jail by Harris to Gina were monitored by authorities. Harris referred to himself as "Skinny Bird."

DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to review the record for error. To assist the court in its review of the record, and in compliance with *Anders v. California* (1967) 386 U.S. 738

(*Anders*), counsel has identified the following possible issues considered in evaluating the potential merits of this appeal:

1. Whether the search of the unclaimed phone without a warrant violated the Fourth Amendment;
2. Did the court err in overruling the hearsay objections regarding ownership of the phone? Was any error prejudicial; and
3. Was there sufficient evidence to prove Harris owned the phone and the drugs found in the black pouch.

In his submission, Harris partially repeats the possible issues listed by counsel. He notes that while he was on the roof, others could have placed the drugs where they were found. He also states the transcripts of the jail calls are missing some words.

We have reviewed the entire record as required by *Wende* and *Anders* and considered the possible issues raised by Harris and his counsel. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Harris on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

BENKE, J.