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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY BRANDON RILEY,

Defendant and Appellant.

B260405

(Los Angeles County
Super. Ct. No. MA061438)

APPEAL from a judgment of the Superior Court of Los Angeles County, Norm Shapiro, Judge. Affirmed.

Doreen B. Boxer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Timothy Brandon Riley appeals from the judgment following his contested probation violation hearing. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting that this court review the record and determine whether any arguable issues exist on appeal. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

As required by *People v. Kelly* (2006) 40 Cal.4th 106, 124, we provide a brief description of the facts and procedural history of the case.

In February 2014, appellant pleaded no contest to one count of assault with a deadly weapon. (Pen. Code, § 245, subd. (a)(1).) The court sentenced him to four years in state prison but suspended execution of the sentence and placed him on formal probation for three years under various terms and conditions, including that he obey all laws.

On April 1, 2014, Los Angeles Police Department officers conducted a controlled buy operation at 3417 Fourth Avenue in Los Angeles. The city attorney had filed a civil suit in 2007 against the owners of that property, which resulted in an abatement order against narcotics sales at the location. The abatement order named appellant among the individuals who should stay away from the property. The officers sent nonconfidential informant Arthur J. to the location on April 1. Officer Brent Olsen gave Arthur J. \$40 in buy money, patted him down, and took him to the drop location. The officer did not find any narcotics on Arthur J. when he patted him down. Arthur J. was equipped with a one-way body wire to transmit audio and a video and audio recording device. Arthur J. walked a block or two to 3417 Fourth Avenue. He asked two individuals who were standing on the porch if anyone was selling marijuana. One of them responded that they did not have any for sale. As Arthur J. was walking away down the street, appellant came out of the house and called him back. Appellant instructed Arthur J. to follow him back to the house. Arthur J. did so and purchased \$10 worth of marijuana from appellant. The substance Arthur J. received from appellant was tested and confirmed to be marijuana.

On April 9, 2014, the court revoked appellant's probation. In October 2014, the court held a probation violation hearing based on the events of April 1, 2014. The court found appellant in violation of probation, terminated it, and executed the previously imposed sentence of four years.

DISCUSSION

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On April 14, 2015, we advised appellant that he had 30 days within which to submit any contentions or issues that he wished us to consider. Appellant did not file a supplement brief.

We have examined the entire record. We are satisfied that no arguable issues exist and that appellant's counsel has fully satisfied her responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see *People v. Kelly, supra*, 40 Cal.4th at pp. 123-124.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

OHTA, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.