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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID LEE WALTZ,

Defendant and Appellant.

B290613

(Los Angeles County  
Super. Ct. No. MA073372)

**THE COURT:**

David Lee Waltz (appellant) was charged with possessing over two pounds of methamphetamine for sale (Health & Saf. Code, §§ 11378 & 11370.4, subd. (a); count 1), and unlawful possession of ammunition (Pen. Code, § 30305, subd. (a)(1); count 2).<sup>1</sup> As to count 1, it was alleged, inter alia, that he had a prior serious and/or violent felony conviction under the “Three

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

Strikes” law (§§ 667, subd. (d), 1170.12, subd. (b)), and that he had suffered five prior prison terms (§ 667.5, subd. (b)). Appellant pleaded no contest to count 1, admitted his strike prior and two of his prison priors. Count 2 was dismissed. He was sentenced to eight years in prison. The trial court ordered him to pay a restitution fine of \$2,400 (§ 1202.4, subd. (b)) as well as various lesser fines to be collected by the Department of Corrections.

Appellant requested a certificate of probable cause. It stated: “[With] [a]ll due respect[,] I signed a deal for [four] year[s] with half [*sic*]. I signed all the boxes with my attorney with DW next to all the box[es] and agreed with the DA’s office[,] and the . . . Drug Task Force, sir. We went into court with that deal. . . . It’s in the court minutes. I cooperated with the Drug Task Force with information [e]ndangering my life big time [for] lesser time[,] [four] year[s] with half[,] . . . . I set them up with locations w[h]ere big drug deals go on. . . . I am requesting the court to please resenten[ce] me to [four] years with half time. I do not [know] w[h]ere they came up with [eight] years with 80 [percent], sir.” The request was denied.

Appellant appealed the judgment. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) requesting that we independently review the record on appeal for arguable issues. On September 17, 2018, we sent a letter notifying appellant of his counsel’s brief and gave him leave to file his own brief or letter within 30 days to state any grounds or argument he might wish to have considered. Appellant did not file a supplemental brief or letter. Upon review of the record, we conclude that there are no arguable issues, and appellant is not entitled to appellate relief.

We are satisfied that appellant’s counsel complied with her responsibilities. In addition, we conclude that appellant received adequate and effective appellate review by virtue of counsel’s compliance with the *Wende* procedure and our review of the record. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The judgment is affirmed.

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LUI, P. J.

ASHMANN-GERST, J.

HOFFSTADT, J.