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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANK GARCIA GUTIERREZ,

Defendant and Appellant.

B241330

(Los Angeles County Super. Ct.
Nos. KA089015, YA075205, &
BA319413)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mike Camacho, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive Director, and Richard B. Lennon, Staff Attorney, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Frank Garcia Gutierrez appeals from the denial of his postjudgment motion to correct the amount of presentence credit he was awarded in superior court case Nos. YA075205, KA089015, and BA319413. This court appointed counsel to represent defendant on appeal. On August 30, 2012, appointed counsel filed a brief raising no issues but asking this court to independently review the record for arguable contentions pursuant to *People v Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court dated June 10, 2010, of his right to submit a supplemental brief on appeal.

Defendant filed a letter brief with this court on September 13, 2012, arguing he entered into “an unfair deal” in 2009 because his offense was no more than simple possession of a controlled substance, rather than the charged offenses of possession with the intent to sell. Defendant asks that we reduce the offense to possession of a controlled substance. Defendant also requests this court to “restructure” his ten-year prison sentence.

Neither of defendant’s requests are within the power of this court on an appeal from a denial of a motion to correct the judgment to include additional presentence credits. We have independently reviewed the record on appeal and find no arguable appellate contentions. The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.