

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.111.5.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

SALVADOR VELGARA,

Defendant and Appellant.

2d Crim. No. B276976
(Super. Ct. No. 2014033452)
(Ventura County)

Salvador Velgara appeals from the judgment entered after pleading guilty to possession of methamphetamine for sale (count 1; Health & Saf. Code, § 11378) while personally armed with a firearm (Pen. Code, § 12022, subd. (c))¹ and while on bail (§ 12022.1, subd. (b)), possession of a controlled substance while armed with a loaded operable firearm (count 2; Health & Saf. Code, § 11370.1, subd. (a)), possession of marijuana for sale (count 3; Health & Saf. Code, § 11359), possession of a firearm by

¹ All statutory references are to the Penal Code unless otherwise stated.

a felon (count 4; § 29800, subd. (a)(1)), possession of an assault weapon (count 5; § 30605, subd. (a)), and destroying and concealing evidence (count 6; § 135). On count 5 appellant admitted a prior strike conviction (§§ 667, subds. (c) & (e)(1), 1170.12, subds. (a)(1) & (c)(1).) The trial court sentenced appellant to three years, eight months state prison.

The preliminary hearing transcript and probation report reflect that appellant was arrested on August 15, 2014 for carrying a loaded .45 caliber handgun in a vehicle. (§ 25400.) Appellant was a member of The Boyz criminal street gang. The handgun was reported stolen in an April 2014 residential burglary in which two handguns, tactical ballistic vests, ammo, and a digital camera were taken.

On August 23, 2014, a Ventura County Deputy Sheriff served a search warrant on appellant's Piru residence. During the search, appellant's sister said that appellant lived in San Fernando with his girlfriend, and that appellant used the Piru residence as a mailing address.

On October 31, 2014, officers executed a second search warrant at appellant's San Fernando residence and found methamphetamine, 32 Xanax pills, a digital scale, firearms, a brick of marijuana, and photos and a video of appellant conducting a gang initiation in which new gang members were "jump[ed] in" The Boyz criminal street gang.

Appellant moved to quash the second warrant on the ground that it was based on stale information and issued without probable cause. (§ 1538.5.) The magistrate denied the motion. After appellant was bound over to superior court, he entered a

change of plea in case no. 2014033452 and three other cases: case nos. 2014025169, 2014038252, and 2015007222.²

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, she filed an opening brief in which no issues were raised.

On March 17, 2017, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)³

² In case no. 2014025169 appellant pled guilty to carrying a concealed and loaded firearm in a vehicle (§ 25400, subd. (a)(1)).

In case no. 201438252 appellant pled guilty to two counts of street gang coercion of persons under 18 years old (counts 1 & 2; § 186.26, subds. (a) & (d)), conspiracy to commit a felony (count 3; § 182, subd. (a)(1)), and two counts of assault with force likely to produce great bodily injury (counts 4 & 5; § 245, subd. (a)(4)). Appellant admitted that counts 4 and 5 were committed for the benefit of a criminal street gang (§186.22, subd. (b)(1)).

In case no. 2015007222 appellant pled guilty to unlawful taking or driving a vehicle (Veh. Code, § 10851, subd. (a)), operating a chop shop (Veh. Code, § 10801), and street terrorism (§ 186.22, subd. (a)). Appellant also admitted a prior strike conviction. (§§ 667, subds. (c)(1) & (e)(1), 1170.12, subds. (a)(1) & (c)(1).)

³ Appellant has filed a petition for writ of habeas corpus (B281656) alleging that he was denied effective assistance of trial

The judgment is affirmed.
NOT TO BE PUBLISHED.

YEGAN, ACTING P. J.

We concur:

PERREN, J.

TANGEMAN, J.

counsel because counsel failed to renew the motion to suppress evidence in case nos. 2014033452 and 2014038252 before the change of plea was entered in superior court. (See § 1538.5, subd. (i); *People v. Lilienthal* (1978) 22 Cal.3d 891, 896-897.) In a separate order, filed concurrently with this opinion, we have denied the petition for writ of habeas corpus.

Bruce A. Young, Judge

Superior Court County of Ventura

Laurie A. Thrower, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.