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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

POOYAN ESLAMBOLIPOUR,

Defendant and Appellant.

2d Crim. No. B291356

consolidated with

Nos. B291357, B291361

(Super. Ct. Nos. 17F-01276,

18F-02186, 16F-08756)

(San Luis Obispo County)

Pooyan Eslambolipour appeals from the judgments entered after he pled no contest in three cases and, pursuant to a negotiated sentence, was sentenced to eight years state prison. The procedural history is as follows:

On October 18, 2017, appellant pled no contest in case number 16F-08756 to two counts of selling, transporting or offering to sell heroin and methadone (counts 1 & 2; Health & Saf. Code, § 11352, subd. (a))<sup>1</sup> and possession of Alprazolam for

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<sup>1</sup> Unless otherwise stated, all further statutory references are to the Health and Safety Code.

sale (count 3; § 11357, subd. (b)(1)). That same day, appellant pled no contest in case number 17F-01276 to possession of heroin for sale (§ 11351) and admitted suffering a 2012 conviction for possession of a controlled substance for sale (§ 11370.2, subd. (a)).

While on bail and before sentencing, appellant was charged in case number 18F-02186 with receiving stolen property exceeding \$950 in value (count 1; Pen. Code, § 496, subd. (a)) and unlawful possession of a firearm and ammunition by a felon (counts 2 & 3; Pen. Code, §§ 29800, subd. (a)(1), 30305, subd. (a)(1)) with an out-on-bail enhancement (Pen. Code, § 12022.1). Appellant waived preliminary hearing and pled no contest to unlawful possession of a firearm (count 2; Pen. Code, § 29800, subd. (a)(1)) and admitted the out-on-bail enhancement.

On July 12, 2018, the trial court imposed the following consolidated sentence: In case number 16F-08756, appellant was sentenced to the principal term of four years for sale/transportation/offer to sell a controlled substance (count 1; § 11352, subd. (a)), plus a consecutive 16 months (one-third the midterm) for sale/transportation/offer to sell a controlled substance (count 2; § 11352, subd. (a)), and a concurrent two-year term for possession for sale of a controlled substance (count 3; § 11375, subd. (b)(1)). The trial court dismissed the prior drug conviction enhancement (§ 11370.2, subd. (c)) in the interests of justice (Pen. Code, § 1385).

In case number 18F-02186, appellant was sentenced to eight months (one-third the midterm) for possession of a firearm by a felon (count 2; Pen. Code, § 29800, subd. (a)(1)) plus two years on the out-on-bail enhancement (Pen. Code, § 12022.1), to be served consecutive to the sentence in case number 16F-08756.

In case number 17F-01276, the trial court sentenced appellant to the midterm of three years for possession for sale of a controlled substance (§ 11351), to run concurrent to the sentence in case numbers 16F-08756 and 18F-2186.

Appellant was awarded 180 days presentence custody credit in case number 16F-08756, 181 days presentence custody credit in case number 17F-01276, and 420 days presentence custody credit in case number 18F-02186, and ordered to pay fees and fines including a felony restitution fine in each case.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised. On September 24, 2018, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On October 5, 2018, appellant submitted a supplemental letter brief stating that "there is no argument to appeal."

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his 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.)

The judgments are affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Jacquelyn H. Duffy, Judge

Superior Court County of San Luis Obispo

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Jonathan B. Steiner, Executive Director, Richard B.  
Lennon, Staff Attorney for Defendant and Appellant.

No appearance for Respondent.