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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ALLEN FILER,

Defendant and Appellant.

B270698

(Los Angeles County
Super. Ct. Nos. VA140122,
VA140655)

APPEAL from a judgment of the Superior Court of Los Angeles County, Peter Espinoza, Judge. Dismissed.

C. Matthew Missakian, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant William Allen Flier purports to appeal from the judgment following his no contest plea to felony charges in two cases, case Nos. VA140655 and VA140122. We dismiss the appeal for failure to obtain a certificate of probable cause.

In case No. VA140655, defendant was charged in an amended felony complaint with crimes allegedly committed on May 2, 2015: sale or transportation of heroin (Health & Saf. Code, § 11352, subd. (a), count 1), possession for sale of heroin (*id.*, § 11351, count 2), and bringing contraband into jail (Pen. Code, § 4573, subd. (a), count 3). The amended complaint also alleged one prior strike (Pen. Code, §§ 667 & 1170.12). The record on appeal contains no information regarding the underlying facts of these charges.

In case No. VA140122, defendant was charged by information with crimes allegedly committed on September 15, 2015: possession of heroin for sale (Health & Saf. Code, § 11351, count 1), with a weight enhancement (*id.*, § 11352.5, subd. (1)), possession for sale of methamphetamine (*id.*, § 11378, count 2), felon in possession of a firearm (Pen. Code, § 29800, subd. (a)(1), count 3), and misdemeanor receipt of stolen property (*id.*, § 496, subd. (a), count 4). The information also alleged defendant was armed with a firearm in the commission of counts 1 and 2 (Pen. Code, § 12022, subd. (c)), that he was on bail when he committed counts 1, 2, and 3 (*id.* § 12022.1) and that he had a prior strike (*id.*, §§ 667 & 1170.12).

According to the probation report in this case, police officers executed a search warrant at defendant's residence on September 15, 2015, and found heroin and methamphetamine in multiple baggies,

empty baggies, a sawed-off shotgun, and a stun gun. Messages on a cell phone discussed narcotic sales.

On January 7, 2016, defendant resolved both cases by negotiated disposition. In case No. VA140122, he pled no contest to all three felony counts and admitted his strike conviction. He was sentenced to the low term of 2 years on count 1 (Health & Saf. Code, § 11351), doubled under the Three Strikes law to four years. On each of the remaining counts, he was sentenced to concurrent terms of four years (the middle term of two years, doubled).

In case No. VA140655, defendant pled no contest to count 3 (Pen. Code, § 4573, subd. (a)) and admitted the strike prior. He was sentenced to one-third the middle term, doubled because of the strike prior, or two years, consecutive to the four years on the other case. The remaining allegations were dismissed.

On March 2, 2016, defendant filed a notice of appeal and a request for a certificate of probable cause. On March 4, 2016, the trial court denied a certificate of probable cause.

Defendant's appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, asking that we independently review the record to determine whether any arguable issue exists. Defendant was advised of his right to file a supplemental brief, but has not done so.

Absent a certificate of probable cause under Penal Code section 1237.5, an appeal from a judgment following a guilty or no contest plea is limited to review of a ruling denying a motion to suppress evidence under Penal Code section 1538.5, or to issues that do not challenge the

validity of the plea but rather relate to subsequent hearings determining the degree of the crime or punishment imposed. (*People v. Johnson* (2009) 47 Cal.4th 668, 677.) We have independently reviewed the record, and neither exception applies here. Therefore, the appeal is dismissed for failure to obtain a certificate of probable cause.

DISPOSITION

The appeal is dismissed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

COLLINS, J.