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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES JESUS RIVERA JR.,

Defendant and Appellant.

B282043

(Los Angeles County
Super. Ct. No. NA103445)

APPEAL from an order of the Superior Court of
Los Angeles County, Mark C. Kim, Judge. Affirmed.

Robert Booher, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

On August 18, 2016 Charles Rivera Jr. pleaded no contest to unlawfully selling or transporting marijuana on January 22, 2016, in violation of Health and Safety Code section 11360, subdivision (a). The court placed Rivera on probation for three years. The terms and conditions of Rivera's probation included that he complete a 180-day residential treatment program, refrain from owning, using, possessing or selling any controlled substance or associated paraphernalia, and not violate any laws. (L.A. Super. Ct. No. NA103445.)

On December 6, 2016 the trial court summarily revoked Rivera's probation and remanded him into custody following his arrest for selling methamphetamine. The court scheduled a probation violation hearing.

The People subsequently charged Rivera with two counts of selling methamphetamine in violation of Health and Safety Code section 11379, subdivision (a). The People also alleged Rivera had served three separate prison terms for felonies within the meaning of Penal Code section 667.5, subdivision (b), and had suffered prior drug convictions with the meaning of Health and Safety Code section 11370.2, subdivision (b). (L.A. Super. Ct. No. NA105463.)

On March 6, 2017 the trial court granted Rivera's motion pursuant to Proposition 64 (Health & Saf. Code, § 11361.8) to reduce his prior felony conviction to a misdemeanor in case No. NA103445 for selling marijuana. The alleged probation violation in this case was tried with case No. NA105463, charging the two sales of methamphetamine.

After a jury convicted Rivera in case number NA105463 as charged and found true the enhancement allegations, the trial court sentenced Rivera in that case to an aggregate state prison term of 13 years. The court revoked and terminated probation in this case. Rivera timely filed a notice of appeal in which he checked the preprinted box, “This appeal is after a contested violation of probation.”

DISCUSSION

We appointed counsel to represent Rivera in this appeal. After reviewing the record, counsel filed an opening brief raising no issues. On October 11, 2017 we gave Rivera notice that he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider. We have not received a response.

We have examined the record and are satisfied appellate counsel for Rivera has complied with his responsibilities and there are no arguable issues. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The order revoking and terminating probation is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

FEUER, J.*

*Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.