

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

FERNANDO MONTES,

Defendant and Appellant.

B265326

(Los Angeles County
Super. Ct. No. KA107197)

APPEAL from an order of the Superior Court of Los Angeles County,
Jack P. Hunt, Judge. Affirmed.

Christopher Love, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Fernando Montes appeals an order denying his petition for resentencing pursuant to Penal Code section 1170.18, enacted by Proposition 47. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

BACKGROUND

On August 26, 2014, a felony complaint was filed alleging appellant committed one count of felony possession of a forged seal resembling the Great Seal of the State of California (Pen. Code, § 472; count 1) and one count of misdemeanor driving without a valid license (Veh. Code, § 12500, subd. (a); count 2). On September 8, 2014, appellant pled no contest to count 1, and he was placed on three years of formal probation. Count 2 was dismissed. On December 11, 2014, appellant admitted he violated the terms of his probation and was again placed on probation with modified terms and conditions. On March 3, 2015, appellant filed a petition for recall of his sentence and resentencing pursuant to Penal Code section 1170.18. The court denied the petition on May 21, 2015, and appellant timely appealed.

DISCUSSION

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On October 16, 2015, we advised appellant he had 30 days to submit any contentions or issues he wished us to consider. Appellant did not file a supplemental brief.

We have examined the entire record. We are satisfied no arguable issues exist and appellant's counsel has fully satisfied his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The court's order is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.