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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.

OTIS ANDERSON,

Defendant and Appellant.

B281575

(Los Angeles County
Super. Ct. No. GA099852)

APPEAL from a judgment of the Superior Court of Los Angeles County. Dorothy L. Shubin, Judge. Affirmed.

Teresa Biagini, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

Appellant Otis Anderson was charged with one count of possession of a controlled substance (Health & Saf. Code, § 11377), and of having a previous conviction for an offense requiring registration pursuant to Penal Code section 290, subdivision (c).¹ Appellant was also alleged to have served two prior prison terms and to have committed another felony within five years of release from custody (see § 667.5, subd. (b)) arising from an August 2005 conviction for possession of cocaine base for sale (Health & Saf. Code, § 11351.5) and a June 1998 conviction for domestic violence/burglary (§ 273.5, subd. (a)/§ 459), and to have suffered three serious and/or violent prior convictions: the June 1998 conviction for burglary and two convictions in March 1982 for rape by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury (§ 261, subd. (a)(2)) and forced oral copulation (§ 288a, subd. (d)). (See §§ 667, subd. (d) & 1170.12, subd. (b).) It was further alleged that the 1982 convictions required his sentence for the current offense to be served in state prison under section 1170, subdivision (h)(3).

According to the evidence at trial, on October 14, 2016, Los Angeles Sheriff's Department Deputy Oscar Velasquez and his partner observed appellant failing to yield at a stop sign while riding a bicycle after dark without a headlamp. They conducted a traffic stop. Appellant said he had "meth" in his possession. The deputies found a quantity of a

¹ Undesignated statutory references are to the Penal Code.

substance resembling methamphetamine in his pocket. A criminalist testified the substance weighed 1.4 grams and contained methamphetamine. Another witness testified that 1.4 grams was a usable amount.

Prior to the introduction of evidence, the defense asked the court to bifurcate the trial on the priors. The court granted the request. After the jury found appellant guilty, he admitted all the priors. He moved to dismiss or strike the 1982 priors pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497. The court granted the motion. The court sentenced appellant to state prison for 32 months -- the low term of 16 months, doubled. The court imposed and stayed an additional one-year term pursuant to section 667.5, subdivision (b). Appellant was awarded 306 days of custody credit.

After reviewing the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). On August 17, 2017, we sent a letter to appellant's last known address, advising him that he had 30 days within which to submit by brief or letter any contentions or argument he wished this court to consider. We received no response.

This court has examined the entire record, and is satisfied no arguable issues exist. Appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective

appellate review of the judgment. (*Smith v. Robbins* (2000)
528 U.S. 259, 278.)

DISPOSITION

The judgment is affirmed.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

COLLINS, J.