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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.

GIOVANNI CAMPANELLA,

Defendant and Appellant.

B244793

(Los Angeles County
Super. Ct. No. MA049412)

APPEAL from a judgment of the Superior Court of Los Angeles County, Hayden Zacky, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive Director, and Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Giovanni Campanella appeals from the trial court's order finding him in violation of probation after a contested hearing. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On July 12, 2010, defendant was charged by information with committing five felonies, including being a felon in possession of ammunition. The information also alleged that defendant had suffered a prior serious felony conviction within the meaning of the "Three Strikes" law and had served six prior prison terms. (Pen. Code, §§ 12316, subd. (b)(1), 667, subds. (b)-(i), 1170.12, subds. (a)-(d), 667.5, subd. (b).)

On October 4, 2010, defendant pled no contest to the ammunition charge and admitted that he had served one prior prison term. The court imposed a four-year prison term, suspended execution of the sentence, and placed defendant on formal probation for three years.

On September 11, 2012, the court found defendant in violation of probation based on his failure to appear for court-ordered random drug testing, his positive drug results, and his failure to complete drug counseling. The previously suspended four-year prison sentence was imposed. This appeal followed.

DISCUSSION

After reviewing the record on appeal, defendant's court-appointed appellate counsel filed a brief asking this court to examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.¹ We sent a letter to defendant advising him that he had 30 days to submit a supplemental brief setting forth any issues that he wished us to consider. On February 4, 2013, we received defendant's letter.

¹ Counsel contends defendant is entitled to additional presentence custody credits. He will file a motion in the superior court to correct the sentence. (Pen. Code, § 1237.1.)

Defendant raises three arguments. First, he cites issues regarding his preliminary hearing on the original charges. As defendant's appeal is from the court's order finding him in violation of probation and he pled no contest, we have no jurisdiction to consider matters that occurred prior to his plea. Second, conceding that he submitted three dirty drug tests, defendant nonetheless contends he was in compliance with the terms and conditions of probation. The court's finding that defendant violated his probation is amply supported by the evidence. Third, defendant urges that he is ready to be released from custody because he has turned his life around. Based on the present circumstances, we do not have the authority to order his release.

We have independently reviewed the record and are satisfied that no arguable issues exist and that defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The judgment is affirmed.

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SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.