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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY JONES,

Defendant and Appellant.

B255601

(Los Angeles County
Super. Ct. No. BA418934)

APPEAL from a judgment of the Superior Court of Los Angeles County, Richard S. Kemalyan, Judge. Affirmed.

John R. Mills, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Anthony Jones pled guilty to one count of possession of a controlled substance in violation of Health and Safety Code section 11350, subdivision (a). On December 5, 2013, the trial court placed appellant on probation for one year and suspended imposition of sentence.

On April 7, 2014, the trial court found appellant in violation of his probation, revoked and terminated probation and sentenced appellant to a 16-month sentence to be served in county jail.

Appellant appeals from the judgment of conviction. Finding no error, we affirm.

Facts¹

On January 23, 2014, Los Angeles Police Officer Ryan Boykin conducted an undercover operation on San Julian Street in downtown Los Angeles. Officer Boykin asked appellant for \$20 worth of drugs. Appellant gave him several small off-white crumbs which resembled cocaine. Appellant asked for \$10 for the crumbs. Officer Boykin gave him a \$10 bill with a previously recorded serial number.

Officer Boykin walked away. Shortly thereafter, appellant followed and caught up to the officer. Appellant stated he got some more from a friend and asked the officer if he wanted the other \$10 worth. Officer Boykin asked appellant to give him \$20 worth. Appellant gave him several more small off-white solids resembling cocaine. Officer Boykin gave appellant a \$20 bill with a previously recorded serial number. Officer Boykin then walked away.

Appellant was soon arrested by other police officers. The two marked bills were found on appellant's person, as was a glass pipe containing an off-white residue resembling cocaine.

¹ The facts are taken from the probation revocation hearing on April 7, 2014.

None of the off-white substances were analyzed for the probation revocation hearing. Appellant did not stipulate that the substances contained cocaine or any other controlled substance.

The court found that “regardless of whether it was a controlled substance or not, there’s an attempt to sell material to Officer Boykin. I think that suffices in this matter.” The court added that appellant, “indicated that he was, quote, unquote, working, which Officer Boykin indicated to mean street vernacular for selling drugs and he offered him the substance and they exchanged money for that substance.”²

Discussion

Appellant filed a timely notice of appeal, and we appointed counsel to represent him on appeal. Appellant’s counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested this court to independently review the record on appeal to determine whether any arguable issues exist.

On September 8, 2014, we advised appellant he had 30 days in which to personally submit any contentions or issues which he wished us to consider. To date, we have not received a supplemental brief from appellant.³

² Selling a substance falsely represented to be a controlled substance is a violation of Health and Safety Code section 11355.

³ This notice was sent to appellant at the Los Angeles County Jail, but was returned with a notation that appellant had been released. Appellant has not provided the court with any other address.

We have examined the entire record and are satisfied appellant's attorney has fully complied with his responsibilities and no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

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GOODMAN, J.*

We concur:

TURNER, P.J.

MOSK, J.

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