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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL C. STOUT,

Defendant and Appellant.

D085117

(Super. Ct. Nos. SCN410029,
SCN411427)

APPEAL from an order of the Superior Court of San Diego County,
Bradley A. Weinreb, Judge. Affirmed.

Matthew Aaron Lopas, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This appeal is from a postjudgment order denying appellant's request
for resentencing under Penal Code¹ section 1172.1.

In 2022, Michael C. Stout entered into a plea agreement which resolved
two pending criminal cases. Stout pleaded guilty to first degree residential

¹ All statutory references are to the Penal Code.

burglary and admitted a nonaccomplice was present (§§ 459/460 & 667.5, subd. (c)(21)), and assault with a firearm (§ 245, subd. (a)(2)). The parties agreed Stout would receive a determinate term of 15 years in prison. Stout was sentenced consistent with the plea agreement.

In September 2024, Stout filed a motion to dismiss the enhancement under section 1385. The trial court denied the motion on September 30, 2024.

Stout filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 indicating counsel has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to independently review the record for error as mandated by *Wende*. We offered Stout the opportunity to file his own brief on appeal, but he has not responded.

Stout does not challenge the validity of his 2022 convictions. We do not need to discuss the facts of the offenses for which Stout has been found guilty. We will not set forth a statement of facts.

DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to independently review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738 counsel has identified a possible issue that was considered in evaluating the potential merits of this appeal: Whether the trial court erred in denying Stout's motion and whether the denial affected Stout's substantial rights.

We have independently reviewed the record for error as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Stout on this appeal.

DISPOSITION

The order denying Stout's motion for dismissal of enhancements and request for resentencing is affirmed.

HUFFMAN, J.*

WE CONCUR:

CASTILLO, Acting P. J.

RUBIN, J.

* Retired Associate Justice of the Court of Appeal, Fourth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.