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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

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THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN HAROLD CEBELINSKI,

Defendant and Appellant.

C102509

(Super. Ct. No. 62193290B)

Appointed counsel for defendant Steven Harold Cebelinski asks this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) We will affirm.

**I. BACKGROUND**

In 2023, defendant pled no contest to seven offenses: two counts of possessing fentanyl for sale, possessing methamphetamine for sale, possessing cocaine for sale, two counts of possessing a handgun having been convicted of a felony, and possessing ammunition having been convicted of a felony. Defendant also admitted possessing

more than four kilograms of a substance containing fentanyl and more than four kilograms of a substance containing methamphetamine. The negotiated plea agreement called for an aggregate sentence of 14 years four months in prison. The trial court also informed defendant that it would impose the minimum \$300 restitution fine plus mandatory fees of \$70 for each of the seven offenses.

At sentencing, the trial court selected the middle term of three years in prison for possessing fentanyl for sale as the principal term and imposed a consecutive five-year term for the quantity enhancement. The court then imposed one-third of the middle term for each of the subordinate terms and imposed one-third of the term for the other quantity enhancement, all to be served consecutively, for a total of 14 years four months in prison. The court awarded 522 days of credit for time served in custody.

Six months after his sentencing, defendant filed a petition for resentencing arguing that legislative changes required the trial court to follow new procedures and that the court should strike the enhancements because he had demonstrated rehabilitation. The court denied the petition because defendant had failed to identify an intervening change in the law. The court noted that the only law defendant cited, Penal Code section 1172.1, was already in effect before defendant's sentencing. Defendant filed a timely notice appealing from the denial of his petition, indicating that the appeal was "based on the sentence or other matters occurring after the plea that do not affect the validity of the plea."

## **II. DISCUSSION**

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. The procedures explained in *Wende* apply only to a defendant's direct appeal,

not to appeals from orders denying post-conviction relief. (*People v. Delgadillo* (2022) 14 Cal.5th 216, 227-228.) Nevertheless, we have exercised our discretion to conduct our own independent review of the record in the interest of justice. (*Id.* at p. 230.)

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

### **III. DISPOSITION**

The judgment is affirmed.

/S/

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RENNER, Acting P. J.

We concur:

/S/

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MESIWALA, J.

/S/

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FEINBERG, J.