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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON RANDLE BARR,

Defendant and Appellant.

B259166

(Los Angeles County
Super. Ct. No. VA133560)

APPEAL from a judgment of the Superior Court of Los Angeles County, Michael A. Cowell, Judge. Affirmed.

Russell S. Babcock, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Jason Randle Barr was charged in an information with one count of second degree robbery (Pen. Code, § 211)¹ and one count of assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)). The information specially alleged as to count 1, that Barr had committed the offense for the benefit of a criminal street gang (§ 186.22, subd. (b)), and as to counts 1 and 2, that Barr had personally inflicted great bodily injury in committing the offenses (§ 12022.7, subd. (a)) and had suffered two prior serious or violent felony convictions within the meaning of section 667, subdivision (a)(1), and the three strikes law (§§ 667, subds. (b)-(j), 1170.12, subds. (a)-(d)). Barr pleaded not guilty and denied the special allegations.

Barr entered a negotiated plea of no contest, orally and in writing, to assault by means of force likely to produce great bodily injury, as charged in count 2, and admitted he had suffered one prior strike conviction. He also waived his presentence custody credits. At the time he entered his plea, Barr was advised of his constitutional rights and the nature and consequences of the plea, which he stated he understood. Defense counsel joined in the waivers of Barr's constitutional rights. The trial court expressly found Barr's waivers, plea and admission were voluntary, knowing and intelligent.

The trial court sentenced Barr in accordance with the plea agreement to an aggregate term of eight years in state prison, consisting of the four-year upper term for assault by means of force likely to produce great bodily injury doubled under the three strikes law. The court ordered Barr to pay statutory fines, fees and assessments. The remaining counts and special allegations were dismissed pursuant to the negotiated agreement.

Barr filed a timely notice of appeal in which he checked the preprinted boxes indicating his appeal was "based on the sentence or other matters occurring after the plea" and "challenge[d] the validity of the plea or admission." The trial court denied

¹ Statutory references are to the Penal Code.

Barr's request for a certificate of probable cause in which he asserted there was a discovery violation and insufficient evidence to support his conviction.

We appointed counsel to represent Barr on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On February 10, 2015, we advised Barr he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response.

A criminal defendant who appeals following a plea of no contest or guilty without a certificate of probable cause can only challenge the denial of a motion to suppress evidence or raise grounds arising after the entry of the plea that do not affect the plea's validity. (Cal. Rules of Court, rule 8.304(b)(1).) To the extent Barr is seeking to challenge the validity of his plea and his sentence imposed as part of his plea, his appeal is inoperative. With respect to other potential sentencing or post-plea issues that do not in substance challenge the validity of the plea itself, we have examined the record and are satisfied Barr's attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

STROBEL, J.*

We concur:

PERLUSS, P. J.

ZELON, J.

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