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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

WEBSTER LUCAS,

Defendant and Appellant.

B281270

(Los Angeles County
Super. Ct. No. MA069438)

APPEAL from a judgment by the Superior Court of Los Angeles County, Frank M. Tavelman, Judge. Dismissed.

Maggie Shrout, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Webster Lucas appeals from a judgment entered upon a plea of no contest to a charge of failure to register after an address change in violation of Penal Code¹ section 290, subdivision (b).

FACTUAL AND PROCEDURAL BACKGROUND

Defendant was charged by felony complaint with one count of failure to register after an address change (§ 290, subd. (b); count 1) and one count of failure to file a change of address (§ 290.013, subd. (a); count 2). It was further alleged that defendant had four prior serious or violent felonies (§ 667, subd. (d)) and three prison priors (§ 667.5, subd. (b)).

On December 30, 2016, pursuant to a plea agreement, defendant waived his right to a jury trial and pled no contest to count 1, which alleged he committed the offense on or about August 16, 2016. He executed a felony plea form, indicating that he understood he was waiving his constitutional rights, and that he understood the consequences of his plea and the consequences of any violation of his probation. The trial court confirmed on the record defendant's waivers and his understanding of the consequences of his plea. After the parties stipulated to a factual basis for the plea, the court imposed a prison sentence of three years, suspending execution thereof, and placed defendant on formal probation for five years. The court dismissed count 2 subject to the continuing validity of the plea.

Defendant filed a timely notice of appeal and a request for a certificate of probable cause. His application for a certificate of probable cause did not state any "constitutional, jurisdictional, or other grounds going to the legality of the . . . no-contest plea."

¹ All further statutory references are to the Penal Code.

The trial court denied the request for a certificate of probable cause.

DISCUSSION

After examining the record, appointed appellate counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record. (See *People v. Wende* (1979) 25 Cal.3d 436.) By notice sent on June 7, 2017, the clerk advised defendant to submit within 30 days any contentions, grounds of appeal, or arguments he wished this court to consider. Defendant did not file a supplemental brief.

Our review of the record shows that defendant received the benefit of his plea bargain, and we find no evidence that his plea was unintelligent or involuntary, or that he reserved any issues for appeal. Further, defendant's application for a certificate of probable cause did not allege any postplea error, and we find no "reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings" within the meaning of section 1237.5, subdivision (a), which are prerequisites for appellate review. (§ 1237.5, subd. (a).) Rather, we conclude that defendant's appeal goes to the validity of the plea, and as the trial court denied defendant's application, the appeal must be dismissed. (See § 1237.5; Cal. Rules of Court, rule 8.304(b); *People v. Mendez* (1999) 19 Cal.4th 1084, 1095.)

DISPOSITION

The appeal is dismissed.

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STONE, J.*

We concur:

EDMON, P. J.

LAVIN, J

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