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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.

BERNARDO PEREZ,

Defendant and Appellant.

B275990

Los Angeles County

Super. Ct. No. BA441731

APPEAL from a judgment of the Superior Court of
Los Angeles County, Anne H. Egerton, Judge. Affirmed.

Alan S. Yockelson, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On November 22, 2015, defendant Bernardo Patricio Perez¹ approached Antonio Hernandez as Hernandez walked through McArthur Park to catch a bus. Defendant held a switchblade to Hernandez's throat and demanded his cell phone and money. Because he was scared, Hernandez allowed defendant to remove the phone from Hernandez's pocket. At some point, Hernandez was able to grab his phone back from defendant. After he reclaimed his phone, Hernandez ran away. During the incident, defendant cut Hernandez's finger with the switchblade. About 30 to 45 minutes later, Hernandez identified defendant to the police.

By information filed December 22, 2015, the People charged defendant with one count of second degree robbery under Penal Code section 211, and alleged he had suffered a prior serious or violent felony conviction for robbery. The People also alleged that defendant personally used a deadly and dangerous weapon, a knife, during the incident.

Defendant subsequently pled no contest to one count of second degree robbery. He also admitted the prior serious or violent felony allegations. During the plea and sentencing hearing, defendant was assisted by Spanish and K'iche' language interpreters. At the time he entered his plea, defendant was advised of his constitutional rights and the nature and consequences of the plea, which he stated he understood. Defendant's counsel joined in the waivers of his client's constitutional rights and stipulated to a factual basis for the plea. The trial court found that defendant's waivers, plea, and admissions were voluntary, knowing and intelligent.

¹ This appeal was filed on behalf of Hector Perez. We use defendant's true name, however, because the court below amended the information to reflect defendant's true name, Bernardo Patricio Perez.

The court sentenced defendant in accordance with the negotiated plea agreement to an aggregate state prison term of nine years,² consisting of four years for second degree robbery (the lower term of two years, doubled under the three strikes law), plus five years for the enhancement under Penal Code section 667, subdivision (a)(1). The court awarded defendant presentence custody credits and imposed various fines, fees, and assessments. The court dismissed the weapon allegation.

Defendant filed a notice of appeal and obtained a certificate of probable cause. In his request for a certificate of probable cause, defendant states that he entered the plea because the interpreter and his attorney told him to do so without explaining the significance of the plea.

DISCUSSION

We appointed counsel to represent defendant on appeal. After reviewing the record, counsel filed an opening brief raising no issues. (*People v. Wende* (1979) 25 Cal.3d 436.) We subsequently advised defendant he had 30 days to file a supplemental brief raising any contentions or issues he wanted us to consider. Defendant has not done so.

Nothing in the record indicates the plea was made under duress, as a result of fraud, misrepresentation or false promise, or because of any other fact overreaching defendant's free will and judgment. The record shows defendant was ably represented by counsel and assisted by court-appointed interpreters throughout the proceedings. The prosecutor fully advised

² The negotiated plea also included defendant's admission of a probation violation in the 2011 robbery case (BA379296). Defendant was sentenced to one year for that violation.

defendant before the court accepted his plea. The court sentenced defendant in accordance with the stipulated disposition, properly ordered custody credits, and imposed the required fines and fees. Upon review of the record for potential error, including the sealed record of the court's examination under *People v. Marsden* (1970) 2 Cal.3d 118, we conclude no arguable issues are presented for review.

DISPOSITION

The judgment is affirmed.

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LAVIN, J.

WE CONCUR:

ALDRICH, Acting P. J.

GOSWAMI, J.*

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