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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

STEPHEN GARCIA,

Defendant and Appellant.

B233622

(Los Angeles County
Super. Ct. No. BA372564)

THE COURT:*

Appellant Stephen Garcia appeals from the judgment entered following his plea of no contest to one count of battery with injury on a peace officer in violation of Penal Code section 243, subdivision (c)(2), a felony. Pursuant to the plea agreement, appellant was sentenced to the low term of 16 months in state prison. The court found that appellant had 612 days of custody credit, including time served at Patton State Hospital while appellant was deemed incompetent to stand trial, and ordered him released directly to parole.

We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On

* BOREN, P. J., DOI TODD, J., ASHMANN-GERST, J.

February 14, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider.

Appellant submitted a response on February 19, 2012, raising a number of issues but without any citation to the record or any legal authority to support his assertions. Moreover, the record does not contain a certificate of probable cause executed by the trial court. Without such a certificate, no appeal can be taken from a judgment of conviction upon a plea of no contest. (Pen. Code, § 1237.5.) Although certain exceptions exist, such as when the issues on appeal arose after entry of the plea and do not affect its validity (see Cal. Rules of Court, rule 8.304(b)(4)), that is not the case here. Appellant's claim that his case should have been dismissed directly affects the plea's validity.

We have examined the entire record and conclude that it provides a factual basis to support the conviction. The record shows that on June 10, 2010, appellant, who was in the custody of the Los Angeles County Sheriff's Department, was in the lockup area of the Los Angeles County Superior Court. Sheriff's Deputy Armando Mata was about to handcuff appellant to a chair inside the attorney room when appellant "bolted" from the chair and began striking Deputy Mata with his fists. Deputy Mata and several other deputies eventually restrained appellant. Deputy Mata was taken to a medical center where he was treated for head contusions, facial abrasions, lacerations, left knee contusions, left elbow sprain and back sprain.

Neither the record nor appellant's response demonstrate the existence of any cognizable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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