

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

BARRY McCOY,

Defendant and Appellant.

B294720

(Los Angeles County
Super. Ct. No. SA097302)

APPEAL from an order of the Superior Court of Los Angeles County. Upinder Kalra, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Defendant and appellant Barry McCoy appeals his conviction, following entry of a plea of no contest to one count of second degree burglary, and admission of a prior strike. Defendant was sentenced to state prison for eight years.

We affirm.

Defendant was charged by information with four counts of first degree residential burglary (Pen. Code, § 459). The information was later amended by interlineation on the People's motion to add a count for second degree burglary (count 5). It was alleged defendant had suffered two prior strike convictions within the meaning of the "Three Strikes" law (§ 667, subds. (b)-(j), § 1170.12), and had suffered six prison priors (§ 667.5, subd. (b)).

Pursuant to a negotiated plea agreement, defendant initialed and executed a felony plea form, including an advisement and waiver of rights. Defendant repeated the waiver of his constitutional rights before the court, with the assistance of counsel. In accordance with the terms of the plea agreement, defendant pled no contest to count 5 (second degree burglary), admitted a prior strike for attempted robbery (case No. BA302955), and admitted two prison priors (case Nos. BA302955, BA348841) in exchange for a term of eight years. Defendant also agreed to waive his appellate rights with respect to the imposition of the two 1-year prison priors. The court accepted defendant's plea and counsel stipulated to a factual basis for the plea.

Prior to imposition of sentence, the court explained to defendant that the earlier discussions about the possibility of him serving 50 percent of the sentence were in error and that he would be required to serve 80 percent of his sentence but would

also be entitled to presentence custody credits. Defendant responded that he understood.

The court imposed the negotiated eight-year sentence, awarded defendant 593 days of presentence custody credits and imposed, per statute, various fines and fees. The court dismissed, on the People's motion, counts 1 through 4 pursuant to Penal Code section 1385.

Defendant filed a handwritten notice of appeal. He did not obtain a certificate of probable cause. Accordingly, the only issues cognizable on this appeal are "search and seizure issues [and] issues regarding proceedings held subsequent to the plea for the purpose of determining the degree of the crime and the penalty to be imposed." (*People v. Panizzon* (1996) 13 Cal.4th 68, 74.)

We appointed appellate counsel to represent defendant. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent a letter to defendant explaining his evaluation of the record. Counsel further declared he advised defendant of his right, under *Wende*, to submit a supplemental brief within 30 days.

Defendant filed a supplemental brief, as well as two separate letters, in which he attached copies of complaints made against his trial counsel and against the trial judge, and copies of various medical records from 2016 regarding injuries apparently sustained in an unrelated accident. Defendant also stated vague, generalized complaints that he was denied discovery, a right to a speedy trial and was threatened and forced to accept a plea

agreement. None of defendant's purported claims is cognizable on this appeal given the lack of a certificate of probable cause.

We have examined the entire record and are satisfied that appointed counsel fully complied with his responsibilities in assessing whether any colorable appellate issues exist. We conclude there are no arguable appellate issues. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment of conviction is affirmed.

GRIMES, Acting P. J.

WE CONCUR:

STRATTON, J.

WILEY, J.