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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID DION PICAZO,

Defendant and Appellant.

B288728

(Los Angeles County
Super. Ct. No. YA096513)

APPEAL from a judgment of the Superior Court of
Los Angeles County, James R. Brandlin, Judge. Affirmed.

Edward Mahler, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On February 6, 2018, defendant David Dion Picaza rejected a proposed plea agreement with a proposed six-year-four-month prison term. The case was transferred to another department for trial. After an additional opportunity to discuss the proposed plea agreement, the parties announced they had reached a plea deal.

Defendant pled no contest to kidnapping (Pen. Code,¹ § 207, subd. (a)), which the trial court noted was a serious and violent felony. Defendant pled no contest to inflicting corporal injury having previously committed the same offense (§ 273.5, subd. (f)(1)). Defendant admitted prior convictions for violating sections 273.5, subdivision (a) (willful infliction of corporal injury) and 243, subdivision (a) (battery). In return, several other charges and an enhancement were dismissed.² Defendant was sentenced to prison for an agreed upon term of six years four months.

Prior to entry of defendant's plea, the trial court asked defendant, "Have you had sufficient time to discuss the case with your attorney, including the rights that you have, the consequences of entering the plea, as well as any potential defenses at the time of your trial?" Defendant responded

¹ All statutory citations are to the Penal Code.

² Defendant was charged with carjacking, willful infliction of corporal injury having previously been convicted of that offense, kidnapping, child stealing, child abuse, and violation of a restraining order. The information also alleged that defendant had served a prison term for which he had not remained free of custody for five years. The information was amended to add the allegation that kidnapping is a violent felony within the meaning of section 667.5, subdivision (c).

affirmatively. The trial court asked defendant, “Do you have any additional questions that you wish to ask your attorney, me, or the district attorney?” Defendant responded, “Not at this time, Your Honor.” Defendant indicated he was entering his plea because it was in his “best interest . . . to resolve the case in this way[.]”

The trial court found that defendant knowingly, intelligently, and voluntarily entered the plea.

Acting in propria persona, defendant filed a timely notice of appeal. Defendant requested a certificate of probable cause on the ground that he entered the plea under “extreme duress” and was taking medication at the time which he claimed “clouded” his “thought process.” Defendant asserted that he had defenses to some of the charges. Defendant asserted that he had only 30 minutes to decide whether to enter his plea.

The trial court denied the requested certificate of probable cause because “defendant’s waiver of rights was knowingly, intelligently and voluntarily made.”

Appointed appellate counsel filed an appellate brief requesting this court review the record for any error as required by *People v. Wende* (1979) 25 Cal.3d 436. This court permitted defendant the opportunity to file a supplemental brief. We have received no response.

Absent a certificate of probable cause, defendant may not challenge the validity of a guilty plea. (*People v. Stubbs* (1998) 61 Cal.App.4th 243, 244-245; § 1237.5, subd. (b).) We have reviewed the record and find no arguable issue concerning a matter that does not affect the validity of the plea. Appointed counsel has fully complied with his responsibilities and no

arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende, supra*, 25 Cal.3d at pp. 441-442.)

DISPOSITION

The judgment is affirmed.

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BENDIX, J.

We concur:

CHANEY, Acting P. J.

CURREY, J.*

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