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IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE.,

Plaintiff and Respondent,

v.

RENEE J. CHANG,

Defendant and Appellant.

B295056

(Los Angeles County  
Super. Ct. No. YA092431)

APPEAL from a judgment of the Superior Court of  
Los Angeles County, Alan B. Honeycutt, Judge. Affirmed.

Renee J. Chang, in pro. per.; James M. Crawford,  
under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Renee J. Chang pleaded no contest to felony elder abuse, later reduced to a misdemeanor, and the trial court placed her on summary probation. After her court-appointed counsel filed an opening brief raising no issues, appellant submitted a supplemental brief. Following our independent examination of the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we conclude that no arguable issues exist. Accordingly, we affirm.

### **BACKGROUND**

An information charged appellant with assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)),<sup>1</sup> felony elder abuse (§ 368, subd. (b)(1)), criminal threats (§ 422, subd. (a)), and vandalism under \$400 (§ 594, subd. (a)). Testimony at the preliminary hearing showed that in May 2015, appellant pointed a knife at her elderly father, who resided with her, threatened to kill him, and stabbed the bed on which he was lying. Appellant also slashed the tires of her father's car. Following a mental examination at the request of both parties, the trial court found appellant competent to stand trial.

The parties subsequently reached a plea agreement, under which appellant pleaded no contest to the elder abuse charge, and all remaining charges were dismissed. The

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

agreement also provided that if appellant sold her house and moved out of the neighborhood before sentencing, her count of conviction would be reduced to a misdemeanor and she would be placed on summary probation. The agreed conditions of probation included appellant's compliance with a protective order prohibiting her from having any contact with her father.

At a subsequent hearing, appellant asked the trial court to relieve her retained counsel, though she had not yet retained another attorney. She expressed no desire to represent herself. The court denied her request, but later permitted substitution after appellant retained another attorney.

Due to civil litigation over her house, appellant was unable to sell it before sentencing. Nevertheless, the parties agreed that appellant should receive the benefit of the plea agreement, her failure to sell the house notwithstanding. The trial court informed appellant of the conditions of probation it intended to impose, including a requirement that she stay away from the residence. The court explained that if appellant did not agree to accept those terms, it would impose a non-probationary sentence. Through counsel, appellant indicated she accepted the court's terms. The court then reduced appellant's count of conviction to a misdemeanor and placed her on three years of summary probation, with the requirements that appellant stay away from her father and the house.

Appellant filed a timely notice of appeal. She did not apply in the trial court for a certificate of probable cause under section 1237.5.

## **DISCUSSION**

After reviewing the record, appellant's court-appointed counsel filed an opening brief requesting this court independently review the record pursuant to *Wende, supra*, 25 Cal.3d 436. Counsel also advised appellant of her right to submit a supplemental brief raising any contentions or argument she wished the court to consider. In response, appellant submitted a supplemental brief identifying several potential issues. She contends: (1) a court interpreter who assisted her father in his preliminary hearing testimony was unqualified and not properly sworn; (2) defense counsel rendered ineffective assistance by failing to request certain discovery; (3) her plea was not knowing and voluntary because she did not understand the court's questions during her plea colloquy but merely answered according to her counsel's instructions; (4) the trial court improperly continued a pre-plea hearing; (5) the court failed to reduce her count of conviction to a misdemeanor, contrary to the terms of her plea agreement; (6) defense counsel refused to file a motion to withdraw her plea; (7) the court improperly denied her request to relieve counsel; and (8) the court compelled her to agree to stay away from her house, a term that was not part of her plea agreement.

Appellant's failure to obtain a certificate of probable cause under section 1237.5 is fatal to the majority of her claims. Under section 1237.5, a defendant may not appeal from a judgment of conviction after entering a plea of no contest unless "[t]he defendant has filed with the trial court a written statement, executed under oath or penalty of perjury showing reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings," and "the trial court has executed and filed a certificate of probable cause for such appeal with the clerk of the court." (§ 1237.5, subds. (a), (b).) "The purpose of section 1237.5 is . . . "to discourage and weed out frivolous or vexatious appeals challenging convictions following guilty and nolo contendere pleas," and . . . [t]he requirements of [the statute] . . . must be strictly applied." (*People v. Mashburn* (2013) 222 Cal.App.4th 937, 941.)

Absent a certificate of probable cause, an appeal from a judgment following a no-contest plea is limited to review of either a ruling denying a motion to suppress evidence or to issues that do not challenge the validity of the plea, but relate to subsequent hearings determining the degree of the crime or the punishment imposed. (*People v. Johnson* (2009) 47 Cal.4th 668, 677.) Only three of appellant's claims pertain to matters other than the validity of her plea. First, she claims the trial court erred in denying her request to relieve her retained counsel following her plea. As noted, however, the court denied appellant's initial request only when she had no substitute counsel prepared to take over,

and ultimately granted her request to substitute in newly retained counsel. Appellant was therefore not deprived of her right to counsel of her choice. (See *People v. Verdugo* (2010) 50 Cal.4th 263, 310-311 [Sixth Amendment to federal Constitution guarantees right to retained counsel of choice].)

Second, appellant contends the trial court failed to reduce her count of conviction to a misdemeanor, as her plea agreement required. Yet the record reflects the court did, in fact, reduce appellant's count of conviction to a misdemeanor. Finally, appellant complains the court coerced her to agree to stay away from her house, a term her plea agreement did not require. This argument overlooks that her plea agreement required her to sell her house and move out of the neighborhood in order to receive probation. The court later agreed to grant her the benefit of the agreement despite her failure to sell the house, and its insistence that appellant agree to stay away from the house was therefore in accord with the parties' agreement.

We have examined the entire record and are satisfied no arguable issue exists. By virtue of counsel's compliance with the *Wende* procedure and our review of the record, appellant has received adequate and effective appellate review of the judgment. (See *Smith v. Robbins* (2000) 528 U.S. 259, 278.)

**DISPOSITION**

The judgment is affirmed.

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MANELLA, P. J.

We concur:

WILLHITE, J.

CURREY, J.