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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.

QUANG CHI LUONG,

Defendant and Appellant.

B280391

(Los Angeles County  
Super. Ct. Nos. GA069986,  
GA070054)

Appeal from an order of the Superior Court of Los Angeles County, Rogelio G. Delgado, Judge. Affirmed.

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

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Shawn McGahey Webb and Heather B. Arambarri, Deputy Attorneys General, for Plaintiff and Respondent.

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Quang Chi Luong appeals from the denial of a Penal Code section 1016.5 statutory motion to vacate a judgment. We affirm.

### **BACKGROUND**

On August 27, 2007, Luong pled guilty to two counts of possession for sale of a controlled substance under Health and Safety Code section 11378. Before he pled, Luong signed a felony advisement of rights, waiver, and plea form that contained the following advisement, which Luong initialed: “12. **Immigration Consequences** – I understand that if I am not a citizen of the United States, I must expect my plea of guilty or no contest will result in my deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty.”

The form was translated from English to Vietnamese for Luong, and the interpreter signed a statement that said: “I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that he or she understood the contents on the form, and then initialed and signed the form.”<sup>1</sup>

In September 2016, Luong, facing deportation, filed a motion to vacate the judgment under Penal Code section 1016.5. Luong argued he was not properly advised of the immigration consequences of his plea because the trial court provided a Vietnamese interpreter rather than a Cantonese interpreter.<sup>2</sup>

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<sup>1</sup> The same interpreter attended the hearing on the Penal Code section 1016.5 motion and was prepared to testify if his testimony had been required.

<sup>2</sup> Luong’s declaration in support of the Penal Code section 1016.5 motion says, “I speak Cantonese and not Vietnamese. While I am a native and citizen of Vietnam, ethnically, I am *Hoa*,

The trial court heard and denied the motion on October 28, 2016. Luong timely appealed.

### DISCUSSION

Luong contends the trial court abused its discretion when it denied his motion to vacate his convictions because his inability to understand Vietnamese and the trial court's failure to provide a Cantonese interpreter prevented him from understanding the waiver he signed. Luong argues the evidence is insufficient to support a finding that he was properly advised of the immigration consequences of his plea. We disagree.

“So long as the advisements are given, the language of the advisements appears in the record for appellate consideration of their adequacy, and the trial court satisfies itself that the defendant understood the advisements and had an opportunity to discuss the consequences with counsel, the legislative purpose of section 1016.5 is met.” (*People v. Ramirez* (1999) 71 Cal.App.4th 519, 522.) Here, the only challenge is to the trial court's determination Luong understood the advisement. “We limit our review of the trial court's findings of fact to determin[e] whether they are supported by substantial evidence. [Citation.] ‘On review for substantial evidence, we examine the evidence in the light most favorable to the prevailing party and give that party the benefit of every reasonable inference. [Citation.] We accept all evidence favorable to the prevailing party as true and discard

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which is an ethnically Chinese subset. The *Hoa* speak Cantonese as their primary language and I only have a very basic or sub-par understanding of Vietnamese. [¶] . . . Cantonese and Vietnamese are very different languages and I cannot read, write or speak Vietnamese.”

contrary evidence.’ ” (*In re Marriage of Rothrock* (2008) 159 Cal.App.4th 223, 230.)

The translator’s statement that he translated the advisement form to Luong and that Luong “stated that he . . . understood the contents on the form, and then initialed and signed the form” is substantial evidence supporting the trial court’s determination.

### **DISPOSITION**

We affirm the trial court’s denial of Luong’s Penal Code section 1016.5 motion to vacate his convictions.

NOT TO BE PUBLISHED.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.