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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff and Respondent,

v.

VAIMOE SEKONA,

Defendant and Appellant.

B281014

(L.A. Super. Ct. No. SA092943)

APPEAL from a judgment of the Superior Court of Los Angeles County. Yvette Verastegui, Judge. Affirmed.

Janet Uson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

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Defendant appeals from his no contest plea to burglary.

On May 15, 2016, burglars removed an air conditioning unit from the window of the victim's house and entered, activating the burglar alarm. They escaped with the victim's iPad. Shortly thereafter, police received reports of a vehicle that appeared to be "casing" the neighborhood. They stopped the car, finding defendant, his co-defendants, and the stolen iPad. The victim proved the iPad was his by providing the code to unlock it.

A complaint was filed charging defendant with burglary (Pen. Code, § 459) and several misdemeanors.

Defendant entered a plea of no contest to burglary; the prosecution dismissed the misdemeanors. Pursuant to the terms of his plea agreement, imposition of sentence was suspended and defendant was placed on five years formal probation. He was to serve 405 days in jail, with credit for 405 days. He was also to perform 90 days community service. Defendant was properly advised that this conviction would constitute a "strike" in future criminal proceedings.

Defendant filed a timely notice of appeal. He sought, and received, a certificate of probable cause. His request for certificate of probable cause represented that he had received ineffective assistance of counsel, due to the fact that his attorney had failed to tell him he had any pending cases at the time he was advised to enter the plea. He was unaware that he had a pending case in Riverside County; he claims that if he had known, it would have changed his decision to plead in this case.

On June 17, 2016, defendant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). The brief included a declaration that counsel had written to defendant, explaining the brief counsel was filing, and informing

defendant of his right to file a supplemental brief. This court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief or letter raising any issues he wished us to consider. Defendant did not file a supplemental brief.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*Wende, supra*, 25 Cal.3d 436.) The record indicates defendant knowingly and intelligently entered into the plea, and received the probationary sentence he was promised. Defendant has not identified any arguable issues. The ineffective assistance of counsel claim raised in defendant's request for certificate of probable cause relies entirely on matters outside the record, and therefore cannot be addressed in this proceeding.

#### **DISPOSITION**

The judgment is affirmed.

RUBIN, J.

WE CONCUR:

BIGELOW, P. J.

FLIER, J.