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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

DAE SHREESE LAW,

Defendant and Appellant.

B275590

(Los Angeles County
Super. Ct. No. BA439163)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Craig E. Veals, Judge. Affirmed.

Alex Green, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Dae Shreese Law punched a loss prevention officer during a confrontation after Law took merchandise from a clothing store without paying for it. Law was arrested and charged with second degree robbery. The information, filed September 17, 2015, specially alleged Law had suffered a prior serious or violent felony conviction within the meaning of the three strikes law (Pen. Code §§ 667, subds. (b)-(j), 1170.12) and had served a separate prison term for a felony (Pen. Code, § 667.5, subd. (b)).

After waiving her right to a jury trial, on January 8, 2016 Law was given the choice of pleading no contest to second degree robbery, placed on probation for three years and ordered to complete a one-year residential drug treatment program or to an amended count of aggravated assault and sentenced to four years in state prison with half-time credits. Against the advice of her counsel and the trial court, Law elected to enter a plea to second degree robbery (Pen. Code, §§ 211, 212.5, subd. (c)).

The record of the plea hearing established Law was advised of and waived her constitutional rights and was advised of and acknowledged she understood the consequences of her plea. Counsel stipulated to a factual basis for the plea. The trial court found Law had knowingly, voluntarily and intelligently waived her constitutional rights and entered her no contest plea.

Law was released from custody until the sentencing hearing on condition she immediately enter the residential treatment program. Law agreed, if she failed to appear for sentencing or was arrested for another offense, the trial court could sentence her on this case to up to five years in state prison. (See *People v. Cruz* (1988) 44 Cal.3d 1247, 1254, fn. 5 [defendant, after being fully advised of his or her rights under Penal Code

section 1192.5 precluding a sentence following a plea of guilty to punishment more severe than specified in the plea agreement, may waive those rights]).

On February 8, 2016 Law did not appear for sentencing. Following her arrest for committing a new robbery offense, Law appeared in custody. Law acknowledged to the court she had walked away from the residential treatment program. The court and the parties agreed to continue the sentencing hearing until the new robbery charge was resolved.

The new robbery charge was dismissed when the alleged victim could not be located. At a June 2, 2016 sentencing hearing the trial court heard argument from counsel and considered Law's lengthy criminal history, the circumstances of the instant robbery offense, her failure to remain in the treatment program and her violation of the terms of the *Cruz* waiver. The court also considered a forensic psychology report that Law suffered from mental illness, for which she was receiving medication, and had a substance abuse problem.

The trial court sentenced Law to the upper term of five years in state prison for second degree robbery.¹ The court ordered Law to pay statutory fines, fees and assessments. Law was awarded 292 days of presentence custody credits.

Law filed a timely notice of appeal from the judgment and an amended notice of appeal in which she checked the preprinted box stating, "This appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea." Law did not obtain a certificate of probable cause.

¹ Law never admitted the special allegations, which were apparently dismissed.

We appointed counsel to represent Law on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On December 20, 2016 we advised Law she had 30 days within which to submit any contentions or issues she wished us to consider. We have received no response.

A criminal defendant who appeals following a plea of no contest or guilty without a certificate of probable cause can only challenge the denial of a motion to suppress evidence or assert grounds arising after the entry of the plea that do not affect the plea's validity. (Cal. Rules of Court, rule 8.304(b)(1).)

We have examined the record with respect to potential sentencing or post-plea issues that do not in substance challenge the validity of the plea itself and are satisfied Law's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

SMALL, J.*

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