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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MAURICIO GUZMAN,

Defendant and Appellant.

2d Crim. No. B258612
(Super. Ct. No. 2012001130)
(Ventura County)

Appellant was charged with murder (Pen. Code, § 187, subd. (a)),¹ with use of a gun. (§ 12022.53, subd. (a).) Appellant pled guilty and the gun allegation was dismissed.

The trial court sentenced appellant to 25 years to life and awarded him 707 days of presentence credit. He filed a notice of appeal and requested a certificate of probable cause to appeal the plea on the basis that his attorney misled him. The court denied the request.

We appointed counsel to represent appellant. After examining the record, counsel filed an opening brief raising no issues and requesting that we independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

¹ All statutory references are to the Penal Code.

We advised appellant in writing that he had 30 days within which to personally submit any contentions or issues he wished to raise on appeal. Appellant submitted a two-page, handwritten letter in which he reiterates his ineffective assistance of counsel claim. He contends he accepted the plea deal "because [his] attorney left [him] no choice." Without a certificate of probable cause, this claim is not cognizable on appeal. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(4); *People v. Hunter* (2002) 100 Cal.App.4th 37, 42.)

Appellant is a gang member. On the day of the murder, appellant picked up a shotgun and went to a street in Oxnard. Appellant confronted the victim on the sidewalk, shot him twice, threw the gun into the bushes and fled to Mexico. Appellant told his girlfriend and others that he killed the victim.

We have examined the record and are satisfied that appellant's attorney has fully complied with the responsibilities of counsel and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The appeal is dismissed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Jeffrey Bennett, Judge
Superior Court County of Ventura

California Appellate Project, Jonathan B. Steiner, Executive Director,
Richard B. Lennon, Staff Attorney, under appointment by the Court of Appeal; Mauricio
Guzman, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.