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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.

BENIGNO MADRID PEREZ,

Defendant and Appellant.

2d Crim. No. B262957  
(Super. Ct. No. 2014009512)  
(Ventura County)

Benigno Madrid Perez appeals the judgment entered after he pled guilty to three counts of making criminal threats (Pen. Code, § 422)<sup>1</sup>, misdemeanor battery (§ 242), and admitted two prior strikes (§§ 667, subds. (c)(2) & (e)(2); 1170.12, subds. (a)(2) & (c)(2)), two prior serious felony convictions (§ 667, subd. (a)(1)), and two prior prison terms (§ 667.5, subd. (b)). Before sentencing, the trial court denied appellant's *Marsden* motion for new counsel (*People v. Marsden* (1970) 2 Cal.3d 118) and appointed a conflict attorney to discuss with appellant grounds to withdraw the plea. Conflict counsel advised the trial court that he investigated the matter and would not be filing a motion to withdraw the plea.

At the sentencing hearing, the trial court granted a *Romero* motion (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497) to strike one of the prior strike

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

convictions and also struck the two prior prison term enhancements (§ 667.5, subd. (b)). Appellant was sentenced to 10 years 4 months state prison, ordered to pay a \$300 restitution fine, (§ 1202.4, subd. (b)) and various statutory fines and fees, and ordered to have no contact with the alleged victims in the felony complaint. The plea and sentence were based on the probation report which states that appellant demanded to use Melissa Durazo's phone, beat and strangled her, and grabbed Gregory Andrade by the throat when Andrade came to Durazo's aid. Appellant threatened Durazo and Andrade, resisted arrest, was tased by police officers, and threatened the officers and hospital staff following his arrest.

We appointed counsel to represent appellant in this appeal. After examining the record, counsel filed an opening brief raising no issues. On July 22, 2015, we advised appellant that he had 30 days to personally submit any contentions he wished us to consider. No response has been received from appellant.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Patricia M. Murphy, Judge  
Superior Court County of Ventura

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

No appearance for Respondent.