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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

JESUS MARTINEZ DELGADO,

Defendant and Appellant.

B296759

(Los Angeles County
Super. Ct. No. NA060996)

APPEAL from an order of the Superior Court of Los Angeles County, Jesse Rodriguez, Judge. Affirmed.

Christopher Love, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Jesus Martinez Delgado appeals from the denial of his petition for a writ of error *coram nobis*. We affirm.

BACKGROUND AND DISCUSSION

In 2005, Delgado pleaded guilty to one felony count of possession of cocaine base for sale, for which he received a three-year prison sentence. He did not appeal from that judgment. In 2018, Delgado filed a petition for a writ of habeas corpus related to that conviction. In pertinent part, the Superior Court denied the petition because Delgado appeared to be in the custody of the federal government as a collateral consequence of his conviction in California. The court thus found he was ineligible for habeas relief, relying on *People v. Villa* (2009) 45 Cal.4th 1063, 1073 [holding a person in federal immigration detention subject to deportation is ineligible for a writ of habeas corpus from a state court if his state sentence and probation or parole have been completed].

Delgado subsequently filed a petition for writ of error *coram nobis*, which was denied on the ground the identical claims were previously litigated in the habeas petition. Delgado appealed. We appointed appellate counsel, who filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

We notified Delgado of his right to submit written argument on his own behalf. He did so on December 13, 2019. So far as we understand it, he asserts his trial attorney not only failed to advise him of the immigration consequences to his 2005 plea, but actively misrepresented them. As a result, he contends his attorney rendered constitutionally ineffective assistance of counsel.

Contrary to Delgado’s assertion, the record shows the trial court advised him of the possible consequences of a conviction, including “deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.” (Pen. Code, § 1016.5, subd. (a) [prior to accepting a plea of guilty or no contest, “the court shall administer” an advisement about the immigration consequences of the conviction].)

Even if we credit Delgado’s assertion that he was not advised of the immigration consequences of his plea, Delgado is not entitled to relief on *coram nobis* under these circumstances. (*People v. Kim* (2009) 45 Cal.4th 1078, 1104 [relief on *coram nobis* is unavailable on a claim for ineffective assistance of counsel and where a defendant pleads guilty due to ignorance or mistake as to the legal effect of his plea, such as deportation].)

We have additionally independently reviewed the record submitted on appeal, and are satisfied that Delgado’s appointed counsel has fulfilled his duty, and that no arguable issues exist. (*Wende, supra*, 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106.)

DISPOSITION

The order denying the petition for writ of error *coram nobis* is affirmed.

BIGELOW, P. J.

We concur:

STRATTON, J.

WILEY, J.