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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.

JORGE REYES,

Defendant and Appellant.

2d Crim. No. B281081
(Super. Ct. No. 15F-02207)
(San Luis Obispo County)

Appellant Jorge Reyes was charged with robbery (Pen. Code, § 211),¹ assault with a deadly weapon (§ 245, subd. (a)(2)), and criminal threats (§ 422, subd. (a)), with gun use (§§ 12022.5, subd. (a), 12022.53, subd. (d)) and great bodily injury (§ 12022.7, subd. (a)) allegations.

Pursuant to a plea agreement, appellant waived his trial rights, pled guilty to the robbery charge and admitted the

¹ All further statutory references are to the Penal Code.

gun use allegation. The parties agreed to a twelve-year prison sentence.

Prior to sentencing, appellant sought to withdraw his plea on the basis of ineffective assistance of counsel. He claimed his prior counsel failed to do an investigation, and that subsequent counsel's investigation supported a defense of accidental shooting.

Counsel sought a continuance of the sentencing hearing because she had been unable to have physical evidence examined by a crime lab and, without that examination, she was unable to determine whether there was a basis for withdrawal of appellant's plea. The trial court denied that request.

The trial court sentenced appellant in accordance with the plea agreement, imposing the low term of two years, enhanced by ten years for the use of the gun in the commission of the offense. Appellant was awarded 154 days of custody credit and ordered to pay restitution in the sum of \$4,061.83.

Appellant appeals the denial of his motion to continue the sentencing hearing. He did not obtain a certificate of probable cause.

We appointed counsel to represent appellant in this appeal. After an examination of the record, counsel filed an opening brief requesting that the court make an independent review under *People v. Wende* (1979) 25 Cal.3d 436.

We subsequently advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. The 30 days have since passed, and appellant has not presented any contentions or issues for our consideration.

Appellant loaned the victim some money. While they were riding in a vehicle, appellant and the victim discussed the loan. Appellant became upset, pulled out a gun and shot the victim in the leg. Appellant claimed the shooting was accidental. After the shooting, the victim gave appellant \$200. Another person in the vehicle said that appellant looked “shocked” after the gun discharged.

We have reviewed the entire record and are satisfied that appellant’s counsel has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

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PERREN, J.

We concur:

YEGAN, Acting P. J.

TANGEMAN, J.

Michael L. Duffy, Judge
Superior Court County of San Luis Obispo

Richard B. Lennon, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.