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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC GARCIA,

Defendant and Appellant.

B267758

(Los Angeles County  
Super. Ct. No. PA079899)

APPEAL from a judgment of the Superior Court of the  
County of Los Angeles, David W. Stuart, Judge. Affirmed.

Pamela J. Voich, under appointment by the Court of  
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Eric Garcia appeals from a judgment of conviction entered and a sentence imposed pursuant to a plea agreement. Defendant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) requesting that this court review the entire record to determine if there are any arguable appellate issues. We notified defendant that he could independently brief any grounds for appeal, contentions, or arguments he wanted us to consider. Defendant did not file a supplemental brief. We affirm the judgment of conviction and sentence from which defendant appeals.

### **FACTUAL BACKGROUND<sup>1</sup>**

On January 17, 2014, at approximately 3:00 p.m., Christian Vega was walking from his house to Sylmar Park. He turned around and noticed defendant,<sup>2</sup> about 20 feet away, running up behind him. When defendant was about five feet from Vega, he fired a shot into Vega's back with a black handgun causing Vega to fall to the ground.

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<sup>1</sup> Because there was no trial, the facts are taken from the preliminary hearing transcript.

<sup>2</sup> Vega identified defendant as the shooter at the preliminary hearing and in a photographic lineup.

Pedestrians across the street from where Vega was shot called 911. Vega's wound required surgery, including the removal of a kidney, and an extended hospitalization.

### **PROCEDURAL BACKGROUND**

Pursuant to a plea agreement, defendant pleaded no contest to attempted murder. He also admitted the allegations that: in the commission of the attempted murder, he inflicted great bodily injury on the victim within the meaning of Penal Code section 12022.7, subdivision (a)<sup>3</sup> and personally used a firearm within the meaning of section 12022.53, subdivision (b); he had a prior serious felony conviction within the meaning of section 667, subdivision (a); and he had a prior violent or serious felony conviction within the meaning of sections 667, subdivisions (b) through (j) and 1170.12, subdivisions (a) through (d).

Pursuant to the plea agreement, the trial court sentenced defendant to an aggregate sentence of 32 years comprised of the following terms: a seven-year middle term on the attempted murder count, doubled to 14 years pursuant to the prior strike conviction, plus a consecutive 10-year firearm enhancement, a consecutive five-year enhancement for the prior serious felony conviction under section 667, subdivision (a), and an additional

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<sup>3</sup> All further statutory references are to the Penal Code.

consecutive three-year term for infliction of great bodily injury under section 12022.7, subdivision (a).

### **DISCUSSION**

Pursuant to *Wende, supra*, 25 Cal.3d 436, we examined the record concerning defendant's judgment of conviction and sentence to determine if there are any arguable issues on appeal. Based on that independent review, we have determined there are no arguable issues on appeal. Therefore, we conclude defendant's appointed counsel has fully satisfied her responsibilities under *Wende, supra*, 25 Cal.3d 436.

**DISPOSITION**

The judgment of conviction and sentence are affirmed.

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KUMAR, J.\*

We concur:

TURNER, P. J.

BAKER, J.

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