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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.

PATRICK JAMES CAVANAUGH,

Defendant and Appellant.

2d Crim. No B278926
(Super. Ct. No. 16F-04612)
(San Luis Obispo County)

Patrick James Cavanaugh appeals the judgment entered after he pled no contest to removing or taking an officer's weapon other than a firearm (Pen. Code,¹ § 148, subd. (b)). In exchange for his plea, the trial court sentenced him to two years in state prison and awarded 632 days of presentence custody credit.

Appellant has been a patient at Atascadero State Hospital (ASH) since 2013. On December 17, 2015, officers opened the door to appellant's room and appellant pushed the door against

¹ All statutory references are to the Penal Code.

one of the officer's arms. The officer dropped a can of pepper spray and appellant retrieved it.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief that raised no arguable issues.

On March 28, 2017, we advised appellant that he had 30 days within which to submit any contentions or issues that he wished to raise on appeal. In a timely response, appellant contends (1) his no contest plea was not knowing, voluntary, and intelligent; (2) he was subjected to "discriminatory prosecution"; (3) the police filed false charges against him; (4) the crime of which he was convicted was a result of him being subjected to excessive force; (5) his rights as a "person[] with mental illness" and an "[i]nvoluntary patient" were violated; (6) his trial counsel provided constitutionally ineffective assistance; (7) he was prosecuted and denied custody credits in violation of the Double Jeopardy Clause of the United States Constitution; and (8) he was erroneously denied a continuance of the sentencing hearing to "contest any findings in the probation officer's report." He also complains that he was never transferred from ASH to state prison.

None of appellant's contentions presents an arguable issue for review. The first six claims are not cognizable to the extent they challenge the validity of appellant's plea because he did not obtain a certificate of probable cause. (§ 1237.5, subd. (a); *People v. Mendez* (1999) 19 Cal.4th 1084, 1095-1096.) Moreover, appellant's contentions are not supported by the record. There is nothing to indicate that his rights were violated, that he was erroneously denied credits, that there were any grounds for

continuing the sentencing hearing, or that he was entitled to be transferred from ASH to prison after he was sentenced.

We have reviewed the entire record and are satisfied that appellant's attorney fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Michael L. Duffy, Judge
John Trice, Judge
Donald G. Umhofer, Judge
Superior Court County of San Luis Obispo

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

No appearance for Plaintiff and Respondent.