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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY BERNARD HAYDEN,

Defendant and Appellant.

B278609

(Los Angeles County
Super. Ct. No. VA141077)

APPEAL from a judgment of the Superior Court of
Los Angeles County. Joseph R. Porras, Judge. Affirmed.

Sally Patrone Brajevich, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Timothy Bernard Hayden appeals from a judgment entered following his negotiated plea of no contest to two counts of armed robbery. Hayden's appointed appellate counsel filed an opening brief raising no issues. After independently examining the record, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

According to the probation officer's report, Hayden and another person robbed two pharmacy employees of codeine-based medication at gunpoint, while a third person stood watch outside. All three individuals fled in a car. The police arrived and pursued the three suspects, apprehending them after the getaway car crashed.

The People charged Hayden with two counts of second degree robbery (Pen. Code,¹ § 212.5, subd. (c)) and alleged Hayden had personally used a firearm and a principal was armed with a firearm in the two robberies (§§ 12022.53, subd. (b), 12022, subd. (a)(1)). Hayden entered a negotiated plea of no contest to the two robbery counts and admitted the allegation he personally used a firearm to commit the offenses. As part of the agreement, the People agreed not to pursue charges against Hayden in connection with two other robbery investigations.

¹ Statutory references are to the Penal Code.

At the time he entered his plea, Hayden was advised of his constitutional rights and the nature and consequences of his plea, which he stated he understood. Counsel for Hayden joined in the waivers of Hayden's constitutional rights, concurred in the plea, and stipulated to a factual basis for the plea. The trial court found Hayden's waivers, plea, and admissions were voluntary, knowing, and intelligent. The trial court sentenced Hayden in accordance with the negotiated plea agreement to two concurrent state prison terms of 12 years, each consisting of the lower term of two years for robbery plus 10 years for the firearm use enhancement.

Hayden filed a timely notice of appeal. The trial court denied his request for a certificate of probable cause, which asserted ineffective assistance of counsel.

DISCUSSION

We appointed counsel to represent Hayden on appeal. After reviewing the record, counsel filed an opening brief raising no issues. On February 24, 2017 we advised Hayden he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider. We have not received a response.

We have examined the record and are satisfied appellate counsel for Hayden has fully complied with her responsibilities and there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The record does not demonstrate that trial counsel for Hayden rendered ineffective assistance with respect to any issue subject to appeal

following a no contest plea in the absence of a certificate of probable cause. (See *Strickland v. Washington* (1984) 466 U.S. 668; Pen. Code, § 1237.5; *People v. Mashburn* (2013) 222 Cal.App.4th 937, 941.)

DISPOSITION

The judgment is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

SMALL, J.*

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