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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.

RAYMOND JUSTO KITILYA,

Defendant and Appellant.

B242861

(Los Angeles County Super. Ct.
No. KA098200)

APPEAL from a judgment of the Superior Court of Los Angeles County, Wade Olson, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive Director, and Suzan E. Hier, Staff Attorney, under appointments by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A felony complaint was filed against defendant and appellant Raymond Kitilya, charging him in count 1 with second degree robbery (Pen. Code, § 211),¹ in count 2 with second degree commercial burglary (§ 459), and in count 3 with misdemeanor battery (§ 242). On the date of arraignment, defendant entered a plea of guilty to the charge of second degree robbery. Pursuant to the case settlement agreement, the remaining counts were dismissed and defendant was sentenced to two years in state prison. Defendant filed a notice of appeal based on “the sentence or other matters occurring after the plea.” His request for a certificate of probable cause was denied.

Counsel was appointed to represent defendant on appeal. On November 16, 2012, appointed counsel filed a brief raising no issues but asked this court to independently review the record for arguable contentions pursuant to *People v Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court of his right to submit a supplemental brief on appeal within 30 days.

Defendant filed a supplemental letter brief raising the following issues: (1) the alleged “victim had nothing to do with the sales department, he was neither” security nor “a certified employee,” and he approached defendant with a knife; (2) the victim was not even a citizen, “judging on his English”; and (3) defendant was arrested in Montclair, not in Pomona.

STATEMENT OF FACTS FROM THE PROBATION REPORT

Because defendant entered a plea of guilty prior to the preliminary hearing, the only indication in the record of the facts is contained in the probation report. According to the report, defendant stole a PlayStation PS Vita from a swap meet, and when the victim of the theft gave chase, defendant punched him in the face. Defendant was then arrested in possession of the stolen property.

¹ All statutory references are to the Penal Code, unless otherwise stated.

DISCUSSION

Because defendant appeals following a plea of guilty and failed to obtain a certificate of probable cause, the issues raised in defendant's letter brief are not cognizable on appeal. The only issues properly before this court are the sentence and other matters occurring after the plea. (§ 1237.5.) None of the issues raised by defendant on appeal fall within the grounds stated in the notice of appeal.

We have completed our independent examination of the appellate record. No arguable issues exist that are cognizable on appeal after a plea of no contest. Moreover, none of the issues raised by defendant provide any basis for a finding of error or prejudice. The judgment is affirmed. (*Smith v. California* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

ARMSTRONG, Acting P. J.

MOSK, J.