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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.

JOHN DOUGLAS HUNTER,

Defendant and Appellant.

B271412

(Los Angeles County
Super. Ct. No. BA199284)

APPEAL from an order of the Superior Court of Los Angeles County, William N. Sterling, Judge. Affirmed.

Joseph T. Tavano, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On June 27, 2000, a jury convicted defendant, John Douglas Hunter, of: forcible rape (Pen. Code,¹ § 261, subd. (a)(2)); felony false imprisonment (§§ 236-237, subd. (a)); dissuading a witness from reporting a crime (§ 136.1, subd. (b)(1)); and several misdemeanors. Defendant admitted he was previously convicted of a serious felony. (§§ 667, subd. (a)(1), (b)-(i), 1170.12.) He was sentenced to 25 years, 8 months in state prison. We affirmed the judgment on appeal. (*People v. Hunter* (Nov. 19, 2002, B151487) [nonpub. opn.])

On February 8, 2016, defendant filed in the trial court a coram nobis petition. Defendant alleged: the trial court induced him to enter a “guilty plea” to his prior conviction without advising him of his constitutional rights including his right to counsel; defendant was not present when he was sentenced; defendant’s lawyer was likewise not present; and the trial court failed to impose a section 654, subdivision (a) stay.

The trial court denied the coram nobis petition. The trial court ruled: “Defendant has failed to state a cognizable ground for relief. The petition is also denied as untimely[.] (*People v. Kim* (2009) 45 Cal.4th 1078, 1097-1098[.]) [¶] The court has already denied at least four petitions for writ of habeas corpus filed by petitioner. The court finds the instant petition is an attempt to raise issues that should have [been] or were raised in earlier petitions. The court deems the instant petition an abuse of the writ process[.] (*In re [Reno]* (2012) 55 Cal.4th 428; *In re Clark* (1993) 5 Cal.4th 750[.])”

We appointed counsel to represent defendant on appeal. After examining the record, appointed appellate counsel filed an

¹ Further statutory references are to the Penal Code unless otherwise noted.

“Opening Brief” in which no issues were raised. Instead, appointed appellate counsel requested that we independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) On October 27, 2016, we advised defendant that he had 30 days within which to personally submit any contentions or arguments he wished us to consider. At defendant’s request, the time to respond was extended. Defendant filed a supplemental brief on December 19, 2016. We have examined the entire record and are satisfied appointed appellate counsel has fully complied with his responsibilities.

A coram nobis proceeding involves an extremely narrow nonstatutory, common law remedy. (*People v. Kim* (2009) 45 Cal.4th 1078, 1091-1095; *People v. Aguilar* (2014) 227 Cal.App.4th 60, 69.) The remedy does not lie to correct errors of law. (*People v. Kim, supra*, 45 Cal.4th at p. 1093; *People v. Aguilar, supra*, 227 Cal.App.4th at p. 69.) As our Supreme Court has explained: “[T]he writ’s purpose ‘is to secure relief, where no other remedy exists, from a judgment rendered while there existed *some fact* which would have prevented [the judgment’s] rendition if the trial court had known it and which, through no negligence or fault of the defendant, was not then known to the court.’” (*People v. Adamson* (1949) 34 Cal.2d 320, 326-327.)” (*People v. Kim, supra*, 45 Cal.4th at p. 1091, italics added; accord, *People v. Shipman* (1965) 62 Cal.2d 226, 230.) A coram nobis petition is not an available pleading when a defendant had a remedy by appeal, new trial motion or habeas corpus petition. (*People v. Kim, supra*, 45 Cal.4th at pp. 1093-1094; *People v. Aguilar, supra*, 227 Cal.App.4th at p. 75.) Our review is for an abuse of discretion. (*People v. Kim, supra*, 45 Cal.4th at pp. 1095-

1096; *People v. Mbaabu* (2013) 213 Cal.App.4th 1139, 1146;
People v. McElwee (2005) 128 Cal.App.4th 1348, 1352.)

Defendant did not raise any claim that can be reached by a coram nobis petition. All of the issues defendant raises were cognizable on direct appeal. The trial court did not abuse its discretion in denying defendant's coram nobis petition.

The order is affirmed.

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TURNER, P.J.

We concur:

KRIEGLER, J.

BAKER, J.