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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.

MARTIN ALBERTO AGUILAR, JR.,

Defendant and Appellant.

2d Crim. No. B237780
(Super. Ct. No. 2011029572)
(Ventura County)

Martin Alberto Aguilar, Jr. appeals judgment following his conviction upon plea of guilty to possessing a weapon in a correctional institution, a felony. (Pen. Code, § 4574, subd. (a).)

A correctional officer found a 10 1/2 inch metal shank in Aguilar's waistband while Aguilar was housed at the Ventura Youth Correctional Facility. Aguilar was 18 years old. Aguilar was charged with one count of possessing a weapon in a correctional facility. The trial court appointed counsel. Aguilar waived arraignment and entered a plea of not guilty.

After consulting with counsel, Aguilar waived his rights to preliminary hearing and trial and pled guilty to the charged offense. He agreed the trial court could consider the probation report for proof of the factual basis for the plea.

Before accepting his plea, the trial court advised Aguilar of his constitutional rights. The court advised him that he could face a maximum of four years

in state prison, followed by a three-year parole period. It advised him that if he is not a United States citizen he could be deported and that he would be prohibited from possessing a firearm for his lifetime. Aguilar waived his rights and stated that he entered the plea freely and voluntarily.

The trial court denied probation. (Cal. Rules of Court, rule 4.414(b)(1), (3), (4) & (8).) It ordered Aguilar to serve eight months in county jail or any penal institution. (§§ 4574, subd. (a); 1170, subd. (h); 1170.1.)

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

On May 14, 2012, we advised Aguilar that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

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

DISPOSITION

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN J.

Kevin G. DeNoce, Judge
Superior Court County of Ventura

Richard B. Lennon, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.