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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MARCEL ANTIONE MAY,

Defendant and Appellant.

B280282

(Los Angeles County  
Super. Ct. No. BA449066)

THE COURT:\*

Defendant and appellant Marcel Antione May (defendant) appeals from a judgment entered upon a plea of no contest to charges of injury to a cohabitant. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On June 1, 2017, we notified defendant of his counsel's brief and gave him leave to file his own brief or letter

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\* CHAVEZ, Acting P.J., HOFFSTADT, J., GOODMAN, J.†

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

stating any grounds or argument he might wish to have considered. Defendant has submitted a letter brief detailing facts that were not presented to the trial court, and asking that the charges be dismissed or reduced to a misdemeanor. Upon reviewing the letter brief and the entire record, we have determined that although defendant has appealed from a judgment entered upon a plea agreement, he has not satisfied the prerequisites to such an appeal. We thus dismiss the appeal.

Defendant was charged by felony complaint with one count of injury to cohabitant, in violation of Penal Code section 273.5, subdivision (a).<sup>1</sup> The complaint also alleged pursuant to the “Three Strikes” law, (§§ 1170.12, subds. (a)-(d), & 667, subds. (b)-(i)), that defendant had suffered one prior serious or violent felony conviction.

On December 15, 2016, defendant waived preliminary hearing and trial, and pled no contest to the charge pursuant to a plea agreement. In exchange for his plea, defendant would be sentenced to a three-year prison term, suspended, with credit for time served, placed on five years of formal probation with conditions including completion of a one-year domestic violence class and a one-year alcohol program. In addition, defendant agreed to a protective order prohibiting him from having contact with the victim, Tanisha R.

Defendant stated he understood and waived his statutory and constitutional trial rights, that he understood the consequences of his plea, including any immigration consequences, and the consequences of any violation of the terms and conditions of probation that the trial court would impose. After the parties stipulated to a factual basis for the plea based upon the complaint and police report, the trial court sentenced

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<sup>1</sup> All further statutory references are to the Penal Code.

defendant according to the plea agreement, including the agreed-upon probation conditions, as well as those recommended in the probation report. The court calculated combined custody credit as a total of 18 days, and imposed mandatory fines and fees.

Defendant filed a timely notice of appeal and a request for a certificate of probable cause, which the trial court denied. Our review of the record shows that defendant received the benefit of his plea bargain, and we find no evidence that his plea was unintelligent or involuntary, or that he reserved any issues for appeal. Further, none of the grounds stated in defendant's application for a certificate of probable cause relate to postplea error, and we find no "reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings," as prerequisite for appellate review without a certificate of probable cause. (§ 1237.5.) Rather, we conclude that defendant's appeal goes to the validity of the plea, and as the trial court denied defendant's applications, it must be dismissed. (See *People v. Panizzon* (1996) 13 Cal.4th 68, 74-75, 89-90; § 1237.5; Cal. Rules of Court, rule 8.304(b).)

Having examined the entire record, including defendant's letter brief filed June 23, 2017, we are satisfied that defendant's appellate counsel has fully complied with her responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The appeal is dismissed.

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