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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.

MARTY LYN POLLORENO,

Defendant and Appellant.

B242579

(Los Angeles County
Super. Ct. No. KA095652)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Mike Camacho, Judge. Affirmed.

Ava R. Stralla, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Marty Lyn Polloreno was charged in an information with the attempted willful, deliberate and premeditated murder of Ruben Pacheco (Pen. Code, §§ 187, subd. (a), 664, count 1)¹ and assault with a deadly weapon (§ 245, subd. (a)(1), count 2). As to the attempted murder count it was specially alleged Polloreno had personally used a deadly weapon to commit the offense (§ 12022, subd. (b)(2)). As to both counts the information specially alleged Polloreno had personally inflicted great bodily injury on Pacheco in committing the offenses (§ 12022.7, subd. (a)). Represented by retained counsel, Polloreno pleaded not guilty to the charges and denied the special allegations.

According to the evidence at trial, Polloreno confronted Pacheco outside Pacheco's home and stabbed him. Pacheco required surgery for injuries to his abdomen and chest. The jury convicted Polloreno as charged and found true the special allegations.

The trial court granted defense counsel's motion to be relieved as counsel of record and appointed the alternate public defender to represent Polloreno on his motion for a new trial based on ineffective assistance of counsel. At the sentencing hearing the court heard and denied Polloreno's motion for a new trial and a request to stay his sentence for attempted murder. The court sentenced Polloreno to an indeterminate term of life in prison with the possibility of parole for attempted murder, plus determinate terms of one year for the weapon-use enhancement under section 12022, subdivision (b)(1),² and three years for the great bodily injury enhancement. The court stayed imposition of sentence for assault with a deadly weapon pursuant to section 654. The court ordered Polloreno to pay a \$40 court security fee, a \$30 criminal conviction assessment, a \$240 restitution fine and \$4,934.08 in victim restitution. The court imposed and suspended a parole revocation fine pursuant to section 1202.45. Polloreno

¹ Statutory references are to the Penal Code.

² Without objection, the trial court amended the weapon-use enhancement on its own motion to read section 12022, subdivision (b)(1), rather than section 12022, subdivision (b)(2), noting that subdivision (b)(2) only applies to the offense of carjacking.

was awarded a total of 322 days of presentence credit (280 actual days and 42 days conduct credit).

We appointed counsel to represent Polloreno on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On January 14, 2013 we advised Polloreno he had 30 days in which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the record and are satisfied Polloreno's attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

PERLUSS, P. J

We concur:

WOODS, J.

ZELON, J.