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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.

ZAREH VARDANYAN,

Defendant and Appellant.

B284678

(Los Angeles County
Super. Ct. No. GA061515)

APPEAL from an order of the Superior Court of
Los Angeles County, Teri Schwartz, Judge. Affirmed.

Marilee Marshall, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In November 2005 Zareh Vardanyan entered an open, no contest plea to charges of stalking, two counts of attempted kidnapping, two counts of disobeying a restraining order and residential burglary. The court sentenced Vardanyan to a two-year state prison term.

In January 2009 Vardanyan moved to vacate the judgment under Penal Code section 1016.5, subdivision (a) (section 1016.5(a)), on the ground he had not been adequately advised of the immigration consequences of his plea. Following the trial court's denial of the motion, Vardanyan filed a notice of appeal.

After an examination of the record, Vardanyan's appointed appellate counsel filed an opening brief in which no issues were raised. (*People v Wende* (1979) 25 Cal.3d 436.) Vardanyan submitted a supplemental brief in which he claimed the plea hearing transcript inaccurately reflected he was properly advised of the immigration consequences of his no contest plea as required by section 1016.5(a). We rejected the claim and affirmed the order. The record plainly showed Vardanyan had been properly advised. (*People v. Vardanyan* (Dec. 15, 2009, B215132) [nonpub. opn.] at p. 4.)

On July 14, 2017 Vardanyan again moved to vacate the judgment, claiming he had not been properly advised pursuant to section 1016.5(a) at the time of his November 2005 plea. His motion was denied on August 1, 2017. Vardanyan filed a timely notice of appeal from the order.

DISCUSSION

We appointed counsel to represent Vardanyan on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On January 5, 2018 we advised

Vardanyan he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

Vardanyan's claim he was not properly advised of the immigration consequences of his November 2005 plea is not properly considered in this appeal. (See *People v. Whitt* (1990) 51 Cal.3d 620, 638 [law of the case doctrine "prevents the parties from seeking appellate reconsideration of an already decided issue in the same case absent some significant change in circumstances"]; see generally *People v. Barragan* (2004) 32 Cal.4th 236, 245-258.)

We have examined the record and are satisfied Vardanyan's appellate 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, 118-119; *People v. Wende, supra*, 25 Cal.3d at pp. 441-442.)

DISPOSITION

The order is affirmed.

PERLUSS, P. J.

We concur:

SEGAL, J.

FEUER, J.*

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