

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SHAWN CHRIS MONSHAUGEN

Defendant and Appellant.

B280496

(Los Angeles County  
Super. Ct. No. SA091552)

APPEAL from a judgment of the Superior Court of Los Angeles County, Lauren W. Birnstein, Judge. Appeal dismissed.

Law Office of Lichstein & Plummer, Byron C. Lichstein under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

---

On October 27, 2015, Shawn Chris Monshaugen was charged with a single count of injuring a spouse, cohabitant, fiancé, boyfriend, girlfriend or child's parent. (Pen. Code, § 273.5, subd. (a).) The complaint further alleged that in commission of the offense, Monshaugen personally inflicted great bodily injury upon the victim, under circumstances involving domestic violence. (Pen. Code, § 12022.7, subd. (e).) On November 10, 2015, Monshaugen pleaded no contest to the single count in the complaint. The People moved to strike the allegation of inflicting great bodily injury, based upon the belief that the victim's injury did not rise to the level of great bodily injury. The court suspended imposition of sentence and placed Monshaugen on formal probation for three years, which included serving 33 days in the Los Angeles County jail, with 34 days custody credit. The court also ordered Monshaugen to complete an approved 52-week domestic violence program. On March 16, 2016, Monshaugen moved to withdraw his plea, contending he was not advised of the consequences of his plea and was under the influence of a muscle relaxant at the time he made the plea, which resulted in his inability to exercise his free judgment. Monshaugen further contended that the plea was not knowing, intelligent and voluntary because his prior counsel failed to investigate his case and advised Monshaugen that it would be unlikely that he could succeed at trial.

On October 5, 2016, the trial court denied Monshaugen's motion to vacate his plea. He timely appealed.

We appointed counsel to represent Monshaugen on appeal, and after examination of the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) On May

23, 2017, we sent letters to Monshaugen and appointed counsel, directing counsel to forward the appellate record to Monshaugen and advising Monshaugen that within 30 days he could personally submit any contentions or issues that he wished us to consider. We received no response.

Monshaugen's no contest plea and failure to obtain a certificate of probable cause limit the scope of his appeal either to "[g]rounds that arose after entry of the plea and do not affect the plea's validity" or to the "denial of a motion to suppress evidence under Penal Code section 1538.5." (Cal. Rules of Court, rule 8.304(b); see Pen. Code, § 1237.5 [failure to obtain a certificate of probable cause precludes an appeal from the judgment of conviction upon a plea of guilty or no contest].) We have examined the entire record and find no such issue exists. We are therefore satisfied Monshaugen's attorney complied with his responsibilities and that no arguable appellate issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

### **DISPOSITION**

The appeal is dismissed.

NOT TO BE PUBLISHED.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

LUI, J.