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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.

MICHAEL JOHN SOTO,

Defendant and Appellant.

2d Crim. No. B281938  
(Super. Ct. No. CR45738A)  
(Ventura County)

Michael John Soto appeals from a March 7, 2017 postjudgment order denying his petition for writ of error coram nobis. In 1999, appellant pled guilty to attempted murder (Pen. Code, §§ 664/187, subd. (a))<sup>1</sup> and admitted that he was a principal armed with, and used, a firearm which resulted in causing great bodily injury (§ 12022.53, subds. (b) - (d)). The record reflects that appellant and a gang cohort went on a three-hour crime spree that spanned four cities. Appellant yelled gang slogans at a

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<sup>1</sup> Unless otherwise stated, all statutory references are to the Penal Code.

man and shot him in the chest with a sawed off rifle. The trial court sentenced appellant to 30 years to life state prison and ordered appellant to pay victim restitution and various fines, fees, and assessments.

In 2017 appellant filed a petition for writ of error coram nobis alleging that he was misled by trial counsel and that he could be resentenced pursuant to recently passed Proposition 57. The trial court denied the petition on March 7, 2017 because: (1) it was untimely; (2) no facts were alleged that appellant would have declined the plea offer had he known that the prosecution was not recommending a more lenient sentence; (3) the claim was previously rejected prior to sentencing in a motion to withdraw the plea; (4) the claim was previously rejected in a direct appeal from the judgment of conviction; and (5) the claim was previously rejected in two petitions for writ of habeas corpus.<sup>2</sup>

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

On June 22, 2017, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

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<sup>2</sup> We affirmed the judgment of conviction in 2000 (B138790) and denied two petitions for writ of habeas corpus in 2001 (B150355) and 2002 (B155674).

The judgment is affirmed.  
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YEGAN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Ryan J. Wright, Judge

Superior Court County of Ventura

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

No appearance for Respondent.