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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.

JOHN STEPHEN PETRYSHYN,

Defendant and Appellant.

B276220

(Los Angeles County
Super. Ct. No. MA068696)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Shannon Knight, Judge. Affirmed.

Paul Kleven, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On June 7, 2016 John Stephen Petryshyn pleaded no contest to one count of driving with a blood alcohol content of 0.08 percent or more within 10 years of a prior conviction for the same or related offense. (Veh. Code, §§ 23152, subd. (b), 23550.5, subd. (a).) At the time he entered his plea, Petryshyn was advised of his constitutional rights and the nature and consequences of the plea, which he stated he understood. Petryshyn's counsel joined in the waivers of Petryshyn's constitutional rights. The trial court expressly found Petryshyn's waivers, plea and admissions were voluntary, knowing and intelligent.

The trial court sentenced Petryshyn in accordance with the negotiated plea agreement to the upper term of three years in state prison. The court awarded presentence custody credit of 52 days and ordered Petryshyn to pay statutory fines, fees and assessments. All remaining charges and a pending misdemeanor, Los Angeles Superior Court case number 5AV06682, were dismissed pursuant to the negotiated agreement.¹

Petryshyn filed a timely notice of appeal in which he checked the preprinted box indicating his appeal was based on "the sentence or other matters occurring after the plea." Petryshyn did not obtain a certificate of probable cause.

We appointed counsel to represent Petryshyn on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On December 22, 2016 we advised Petryshyn he had 30 days within which to personally submit any

¹ The court revoked and terminated probation in Los Angeles Superior Court case number 4AV01322 after finding Petryshyn also violated probation in that case.

contentions or issues he wished us to consider. We have received no response.

We have examined the entire record and are satisfied Petryshyn'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* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

SMALL, J.*

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