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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

EFRAIN PRIETO,

Defendant and Appellant.

B285965

(Los Angeles County
Super. Ct. No. BA450137)

APPEAL from a judgment of the Superior Court of Los Angeles County, Maral Injejikian, Judge. Affirmed.

Jerome McGuire, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In February 2017, Efrain Prieto pled no contest to one count of carjacking (Pen. Code, § 215, subd. (a)), and admitted allegations that he had personally used and discharged a firearm (Pen. Code, § 12022.53, subd. (b)) and caused great bodily injury (Pen. Code, § 12022.7, subd. (a)) in connection with that offense. His plea was part of an agreement with the prosecution that called for a 16-year sentence as follows: the low term of three years for the carjacking, plus three years for the bodily injury allegation and 10 years for the firearm use allegation. In exchange, three counts of assault with a firearm (Pen. Code, § 245, subd. (a)(2)), along with great bodily injury and gang benefit allegations were dismissed.

Prieto moved to withdraw his plea, citing ineffective assistance of counsel for failure to adequately investigate whether witnesses had misidentified him and for falsely stating that his girlfriend wanted him to take the plea deal. The trial court denied the motion and sentenced Prieto pursuant to his plea agreement.

Prieto filed a timely notice of appeal, marking a box to indicate the appeal was based on the sentence or other matters occurring after the plea that did not affect the validity of the plea. On November 3, 2017, this court issued an order specifying that the appeal would be limited to issues that do not require a certificate of probable cause.

On December 29, 2017, we appointed appellate counsel for Prieto.¹ After examining the record, on May 8, 2018, appointed

¹ Through appellate counsel, on April 18, 2018, appellant filed a petition for writ of mandate to compel the trial court to act on a request for a probable cause certificate submitted by prior trial counsel (case No. B289464). However, appellate counsel

counsel filed a brief raising no issues but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441–442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On May 10, 2018, we advised appellant he had 30 days within which to submit by brief or letter any contentions or argument he wished this court to consider. We received no response.

This court has examined the entire record in accordance with *People v. Wende, supra*, 25 Cal.3d at pages 441 through 442 and is satisfied that appellant’s attorney has fully complied with the responsibilities of counsel, and that no arguable issues exist. Accordingly, we affirm the judgment.

subsequently learned that appellant (while proceeding in pro. per.) had requested a certificate of probable cause on November 13, 2017, and the trial court had denied the request on November 15, 2017. This court then denied appellant’s petition for writ of mandate on April 26, 2018.

DISPOSITION

The judgment is affirmed.

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MICON, J.*

We concur:

MANELLA, P. J.

COLLINS, J.

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