

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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.

ERNEST JIM CHOI,

Defendant and Appellant.

B296177

(Los Angeles County
Super. Ct. No. BA437763)

APPEAL from an order of the Superior Court of Los Angeles County, Drew E. Edwards, Judge. Affirmed.

Alex Green, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Ernest J. Choi appeals from an order taking no action on his “motion to vacate judgment of conviction.” We affirm.

BACKGROUND

Following his no contest plea, Choi was convicted of felony stalking (Pen. Code, § 646.9, subd. (a)), and the trial court found true the allegations he served three prior prison terms (*id.*, § 667.5, subd. (b)). The court sentenced him to three years in state prison. Choi appealed, claiming his plea was not knowing and intelligent because the court misadvised him as to the maximum potential punishment he faced. We agreed and reversed the judgment. We remanded the matter with directions to properly advise Choi of the consequences of his plea and give him the opportunity to withdraw his plea. (*People v. Choi* (May 30, 2017, B272080) [nonpub. opn.])

At a hearing on September 27, 2017, the trial court offered Choi the opportunity to withdraw his plea. Choi stated that he did not want to withdraw his plea, and he requested that his sentence stand. The court ordered that his sentence stand.

On November 20, 2018, Choi filed a “motion to vacate judgment of conviction.” This was based on the trial court’s denial of his request for a continuance to retain counsel at the time he entered his original plea. On December 20, 2018, the trial court considered the motion and declined to take any action on it.

Choi filed an identical “motion to vacate judgment of conviction” on January 11, 2019. On January 23, 2019, the trial court again declined to take any action on the motion.

On February 8, 2019, Choi filed the instant “notice of rescission of plea agreement,” stating that he was rescinding the original plea agreement on the grounds of fraud, duress, and undue influence pursuant to Civil Code section 1689, subdivision (b)(1). This was based on the misadvisement as to the maximum potential punishment he faced.

On February 19, 2019, Choi appealed from the January 23, 2019 order denying his second motion to vacate judgment of conviction.

DISCUSSION

We appointed counsel to represent Choi on this appeal. After review of the record, Choi’s counsel filed an opening brief requesting this court to independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On July 22, 2019, we sent a letter to Choi, advising him that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. We received no response.

We have examined the entire record. We are satisfied that no arguable legal issues exist and that Choi’s counsel has fully complied with his responsibilities. By virtue of counsel’s compliance with the *Wende* procedure and our review of the record, we are satisfied that Choi received adequate and effective appellate review of the order entered against him in this case. (*People v. Wende, supra*, 25 Cal.3d at p. 441; accord, *People v. Kelly* (2006) 40 Cal.4th 106, 109-110.)

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED

JOHNSON, J.

We concur:

ROTHSCHILD, P. J.

BENDIX, J.