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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.

WILLIAM ALBINO,

Defendant and Appellant.

B279193

(Los Angeles County  
Super. Ct. No. KA112624)

APPEAL from a judgment of the Superior Court of  
Los Angeles County, Bruce F. Marrs, Judge. Affirmed.

Correen Ferrentino, under appointment by the Court of  
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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## **INTRODUCTION**

William Albino appeals from a judgment following entry of his negotiated plea of no contest to one count of attempted murder with a great bodily injury enhancement. Albino's appointed appellate counsel filed an opening brief raising no issues. After independently examining the record, we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

According to the probation officer's report, Albino stabbed his wife multiple times in her back, hand, and face during an argument. The People charged Albino with one count of attempted murder (Pen. Code,<sup>1</sup> §§ 187, 664) and one count of willful infliction of corporal injury on a spouse (§ 273.5, subd. (a)). The People also alleged Albino personally inflicted great bodily injury in committing the offenses (§ 12022.7, subd. (e)). Albino pleaded no contest to the attempted murder count and admitted the accompanying allegation he had personally inflicted great bodily injury.

At the time he entered his plea, Albino was advised of his constitutional rights and the nature and consequences of his plea, which he stated he understood. Counsel for Albino joined in the waivers of Albino's constitutional rights, concurred in the plea, and stipulated to a factual basis for the plea. The trial court found Albino's waivers, plea, and admission were voluntary, knowing, and intelligent. The trial court sentenced Albino in accordance with the plea agreement to a state prison term of 11

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<sup>1</sup> Statutory references are to the Penal Code.

years, consisting of the middle term of seven years for attempted murder plus four years for the great bodily injury enhancement. The court awarded Albino 152 days of presentence credits and imposed statutory fines, fees, and assessments. The court dismissed the remaining count pursuant to the plea agreement.

Albino filed a timely notice of appeal. The trial court denied his request for a certificate of probable cause, in which Albino asserted he was pressured to enter a plea, never meant to harm his wife, and wanted another chance.

## DISCUSSION

We appointed counsel to represent Albino on appeal. After reviewing the record, counsel filed an opening brief raising no issues. On April 3, 2017 we advised Albino he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider. We have not received a response.

A criminal defendant who appeals following a plea of no contest or guilty without a certificate of probable cause can only challenge the denial of a motion to suppress evidence or raise issues arising after the entry of the plea that do not affect the validity of the plea. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(1); see *People v. Johnson* (2009) 47 Cal.4th 668, 676; *People v. Mashburn* (2013) 222 Cal.App.4th 937, 941.) Albino's assertion that his plea was involuntary is not supported by the record. The trial court thoroughly advised and questioned Albino about his oral and written waivers of his constitutional rights, his understanding of the proceeding, and the consequences of his plea, and made all appropriate findings.

With respect to other potential sentencing or post-plea issues that do not in substance challenge the validity of the plea, we have examined the record and are satisfied appellate counsel for Albino has fully complied with her responsibilities and there are no arguable issues. (See *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.

SEGAL, J.

We concur:

PERLUSS, P. J.

MENETREZ, J.\*

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