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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL SALVADOR GUZMAN-
JOHANNES,

Defendant and Appellant.

B271358

(Los Angeles County
Super. Ct. No. MA065361)

APPEAL from a judgment of the Superior Court of Los Angeles County, Daviann L. Mitchell, Judge. Affirmed.

Kelly C. Martin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Daniel Salvador Guzman-Johannes (defendant) appeals his criminal conviction resting on his no contest plea to attempted, willful, deliberate, and premeditated murder. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On September 13, 2016, this court advised defendant he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response. In the paragraphs that follow, we briefly summarize the facts and conclude the judgment should be affirmed.

On January 11, 2016, the Los Angeles County District Attorney charged defendant in an amended information with: (1) six counts of attempted willful, deliberate, and premeditated murder (Pen. Code, §§ 664 and 187(a));¹ (2) two counts of shooting at an occupied motor vehicle (§ 246); (3) dissuading a witness by force or threat (§ 136.1(c)(1)); and (4) having a concealed weapon (§ 25400(a)(2)). The information also alleged that certain offenses were committed for the benefit of, at the direction of, and in association with a criminal street gang, and with the specific intent to promote, further, and assist in criminal conduct by gang members (§186.22). The information further alleged defendant personally used a firearm within the meaning of sections 12022.5 and 12022.53.

Preliminary hearing testimony regarding the charges centered on three incidents. First, in November 2014, defendant aided a fellow gang member who shot at four individuals in a truck by helping to provide the gun used in the shooting. Second, in April 2015, defendant shot two individuals in a vehicle, one of whom had testified at a preliminary hearing held in connection

¹ Undesignated statutory references that follow are to the Penal Code.

with the prosecution of other defendants involved in the earlier November 2014 shooting. Third, in May 2015, a Los Angeles County Sheriff's deputy stopped defendant and found a loaded handgun concealed in his waistband.

Pursuant to an agreement with the People, defendant pled no contest to one of the attempted willful, deliberate, and premeditated murder charges (pertaining to his shooting of one of the two victims in April 2015). Defendant also admitted the corresponding gang and section 12022.53(d) allegations. When entering his no contest pleas in court, defendant agreed he was entering his no contest plea "freely and voluntarily because [it was] in [his] best interest to do so; defendant also certified, in signing a written plea advisement form, that the nature of the charges and possible defenses had been explained to him.

The trial court sentenced defendant to 40 years to life in prison, the sentence on which the parties had agreed. The court gave defendant 287 days of credit toward his sentence (250 days actual and 37 days good time/work time) and imposed requisite fines and fees. Defendant was also required to register with law enforcement as a gang member. The prosecution dismissed the remaining counts against defendant.

Defendant thereafter filed a notice of appeal and requested a certificate of probable cause. His request for a certificate argued (1) his appointed trial attorney had a conflict of interest because he "has rubbed elbows with district attorneys and their supervisors"; (2) he was never offered a plea; (3) "the [P]eople may have coerced my attorney and I into a speedy trial to entrap me [and] label me as a notorious individual"; and (4) the trial court convicted him "for crimes that I played no part in." The trial court denied the request for a certificate of probable cause.

Because defendant is appealing after entry of a no contest plea without a certificate of probable cause, his ability to seek reversal is limited to claims of error in the denial of a motion to suppress evidence or alleged error in matters occurring after the plea that do not affect the validity of the plea. (§ 1237.5; Cal. Rule of Court 8.304(b); *People v. Richardson* (2007) 156 Cal.App.4th 574, 596; see also *People v. Collins* (2004) 115 Cal.App.4th 137, 148-49.) We have examined the record, and we are satisfied defendant's attorney on appeal has complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-82; *People v. Kelly* (2006) 40 Cal.4th 106, 122-24; *Wende*, 25 Cal.3d at 441.)

DISPOSITION

The judgment is affirmed.

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BAKER, J.

We concur:

TURNER, P.J.

KUMAR, J.*

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