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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MIGUEL GARCIA,

Defendant and Appellant.

D085262

(Super. Ct. No. SCS330559)

APPEAL from a judgment of the Superior Court of San Diego County, Michael J. Popkins, Judge. Affirmed.

Ava R. Stralla, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Miguel Garcia entered into a plea agreement in which Garcia pleaded guilty to child abuse (Pen. Code, § 273a, subd. (a)) and transportation of controlled substances (Health and Saf. Code, § 11379, subd. (a)) and admitted the weight allegation under Health and Safety Code section 11370.4, subdivision (b)(1). Thereafter, Garcia filed a motion to withdraw his guilty plea. The court received briefing and held a hearing at which defense counsel

testified. The trial court found Garcia had not met his burden to show good cause to withdraw his guilty plea. The court denied Garcia's motion.

At the sentencing hearing, the court struck the punishment for the weight enhancement and imposed a determinate term of three years.

Garcia filed a timely notice of appeal and obtained a certificate of probable cause.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 indicating counsel has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to independently review the record for error as mandated by *Wende*.

We offered Garcia the opportunity to file his own brief on appeal, but he has not responded.

Consideration of the facts of the offenses is not necessary for the resolution of this appeal. We will not include a statement of facts in this opinion.

## DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to independently review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738, counsel has identified three possible issues that were considered in evaluating the potential merits of this appeal.

1. Did the evidence at the motion hearing show that trial counsel was ineffective?
2. Did Garcia establish good cause to withdraw his guilty plea?
3. Did the court abuse its discretion by denying Garcia's motion to withdraw his guilty plea?

We have independently reviewed the record for error as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Garcia on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.\*

WE CONCUR:

IRION, Acting P. J.

CASTILLO, J.

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\* Retired Associate Justice of the Court of Appeal, Fourth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.