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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

EMMANUEL GONZALEZ,

Defendant and Appellant.

D085003

(Super. Ct. No. SCD303611)

APPEAL from a judgment of the Superior Court of San Diego County, Dwayne K. Moring, Judge. Affirmed.

Michelle T. LiVecchi-Raufi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This appeal is from a judgment based on a guilty plea with a stipulated sentence and is governed by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

Emmanuel Gonzalez entered into a plea agreement in which he pleaded guilty to one count of unlawful taking and driving a vehicle (Veh. Code, § 10851, subd. (a)) and one count of driving under the influence (Veh. Code, § 23152, subd. (f)). The parties agreed Gonzalez would receive a split

sentence of 18 months in local custody and 18 months in mandatory supervision.

Gonzalez sought to withdraw his guilty plea and requested a hearing on his request to replace appointed counsel (*People v. Marsden* (1970) 2 Cal.3d 118). The court held a hearing and denied Gonzalez's request.

The court sentenced Gonzalez in accordance with the plea agreement. Gonzalez filed a timely notice of appeal and received a certificate of probable cause.

Appellate counsel has filed a brief pursuant to *Wende*, *supra*, 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 Gonzalez the opportunity to file his own brief on appeal, but he has not responded.

This appeal is from a guilty plea with a stipulated sentence. We will not include a statement of facts regarding the offenses 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 a possible issue that was considered in evaluating the potential merits of this appeal: Whether the court abused its discretion in denying Gonzalez's motions to withdraw his guilty plea and remove appointed counsel.

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 Gonzalez on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.*

WE CONCUR:

DO, Acting P. J.

BUCHANAN, J.

* 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.