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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

D086164

Plaintiff and Respondent,

v.

(Super. Ct. No. RIF2303385)

JUAN CRISTOBAL MORALES,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Riverside County, Joshlyn Pulliam, Judge. Affirmed; remanded with directions to correct abstract of judgment.

Jake E. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearances for Plaintiff and Respondent.

In January 2025, Juan Cristobal Morales pleaded guilty to assault with force likely to cause great bodily injury (Pen. Code,<sup>1</sup> § 245, subd. (a)(4)) and

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1 Statutory references are to the Penal Code.

resisting or delaying a police officer (§ 148, subd. (a)(1).) He also admitted a strike prior conviction (§ 667, subds. (c) &(e)).

The court found Morales ineligible for mental health diversion because no long-term treatment plan could be identified. He was sentenced to a total carceral term of four years and the trial court struck all fines and fees.<sup>2</sup>

Morales filed a timely notice of appeal.

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

## 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 two possible issues that were considered in evaluating the potential merits of this appeal.

1. Whether the trial court abused its discretion when denying Morales's motion for mental health diversion.
2. Whether Morales waived his right to challenge the court's denial of the motion for mental health diversion when he entered his guilty plea.

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<sup>2</sup> We discovered that the abstract of judgment does not accurately state the sentence imposed. It reflects the imposition of a variety of fines and fees. The trial court struck all fines and fees pursuant to *People v. Duenas* (2019) 30 Cal.App.5th 1157 and ordered that anything that could not be stricken be stayed. Although we will affirm the trial court's orders, we will remand with directions to correct the abstract of judgment.

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 Morales on this appeal.

#### DISPOSITION

The judgment is affirmed. The case is remanded to the trial court to correct the abstract of judgment to accurately reflect the fines and fees. When the abstract is amended, the court shall forward the amended abstract to the Department of Corrections and Rehabilitation.

KELETY, Acting P. J.

WE CONCUR:

RUBIN, J.

HUFFMAN, 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.