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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE TORRE MOLLEJA,

Defendant and Appellant.

D085400

(Super. Ct. No. SCD303714)

APPEAL from a judgment of the Superior Court of San Diego County, Rachel Cano, Judge. Affirmed.

Anita P. Jog, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This is an appeal following a guilty plea arising from an agreement with a stipulated “lid” on any prison sentence.

Appellant Jose Torre Molleja pleaded guilty to two counts of driving under the influence causing serious bodily injury (Veh. Code, §§ 23153, subd. (a) & 23153, subd. (b)). The parties agreed any prison sentence would have a lid of eight years.

At the sentencing hearing, the court denied probation and imposed a total term of six years four months on each count but stayed the term for count 2 under Penal Code section 654.

Appellant filed a timely notice of appeal.

STATEMENT OF FACTS

Appellant stated the facts of the offense in his change of plea. As part of his plea agreement, on his plea form and in open court, appellant admitted that he willfully and unlawfully, while under the influence of alcohol, drove a vehicle and concurrently violated Vehicle Code section 21453, subdivision (a), and in doing so, caused great bodily injury to Kathryn R. and Preston B. He further admitted that he had a blood alcohol level of .15 at the time of the offense and that Kathryn suffered a coma due to brain injury.

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 appellant 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 of the record, 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 sentence imposed within the stipulated “lid” was an abuse of discretion.

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

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.*

WE CONCUR:

DO, Acting P. J.

KELETY, 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.