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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

A132996

v.

**(Sonoma County
Super. Ct. No. SCR487837)**

ARMANDO MONTER JACINTO,

Defendant and Appellant.

_____ /

Appellant Armando Monter Jacinto appeals from a judgment entered after he pleaded no contest to assault with a deadly weapon. (Pen. Code, § 245, subd. (a)(1).) His counsel on appeal has filed an opening brief that asks this court to conduct an independent review of the record as is required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel also informed appellant that he had the right to file a supplemental brief on his own behalf. Appellant declined to exercise that right.

On May 15, 2006, appellant stabbed another man during an altercation in a bar. Based on this incident, an information was filed charging appellant with two counts including assault with a deadly weapon.

Appellant moved to dismiss the information arguing his due process rights had been violated because a witness to the crime had been deported. The trial court agreed and granted the motion to dismiss.

The People filed an appeal and the case was assigned to this division. We reversed ruling there was no “state action” upon which a due process claim could be based.

Appellant filed a petition for review with the California Supreme Court. That court granted review and affirmed our ruling. (See *People v. Jacinto* (2010) 49 Cal.4th 263, 266.)

The case was remanded to the trial court where it was resolved through negotiation. Appellant pleaded no contest to assault with a deadly weapon. In exchange, other counts and allegations were dismissed and appellant would be placed on probation and ordered to serve 10 months in the county jail.

Subsequently, the court suspended the imposition of sentence, placed appellant on probation, and ordered him to serve 10 months in the county jail.

We have reviewed the record on appeal and conclude there are no meritorious issues to be argued. Before accepting appellant’s plea, the court made sure he understood the constitutional rights he was waiving. The court also made sure appellant understood the consequences of his plea. The sentence was consistent with the plea agreement. Appellant was effectively represented by counsel.

We conclude there are no arguable issues within the meaning of *People v. Wende*,
supra, 25 Cal.3d 436. (See also *People v. Kelly* (2006) 40 Cal.4th 106.)

The judgment is affirmed.

Jones, P.J.

We concur:

Needham, J.

Bruiniers, J.