Filed 9/26/12 P. v. Lopez CA1/3

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE, Plaintiff and Respondent, v. OSCAR LOPEZ, Defendant and Appellant.	A133673 (San Francisco County Super. Ct. No. 207220)

Oscar Lopez appeals from a judgment and sentence following a guilty plea. His court-appointed counsel has filed a brief requesting our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable grounds for appeal. We conclude there are no issues that warrant review, and affirm.

BACKGROUND

Lopez was charged in an information with a single count of inflicting injury on a former cohabitant in violation of Penal Code section 273.5, subdivision (a),[1] and a single count of assault likely to cause great bodily injury in violation of section 245, subdivision (a)(1). Each count was enhanced by an allegation that Lopez personally inflicted great bodily injury under circumstances involving domestic violence in violation of section 12022.7, subdivision (e).

The charges arose from an incident that occurred when Lopez was driving a former girlfriend home from a bar in San Francisco. He was angry at the victim, and punched

[1] All subsequent statutory references are to the Penal Code.

her repeatedly in her face. She escaped the car and Lopez pursued her on foot and kicked her. The victim was treated at the scene by paramedics, then later in the emergency room. She sustained a facial fracture, a concussion and several bruises and lacerations. As a result of her injuries, she missed two and a half weeks of work.

In a negotiated disposition, Lopez entered a guilty plea to the count of inflicting injury on a former cohabitant in violation of section 273.5, subdivision (a). The assault charge and both enhancements were dismissed. Pursuant to the agreement, imposition of sentence was suspended. Lopez was placed on probation for three years on the condition that he serve six months in county jail. He was required to undergo 52 weeks of domestic violence counseling, and alcohol or substance abuse counseling as considered appropriate by probation authorities. He was ordered at all times to stay 100 yards away from the victim's residence. Various statutory fees and penalties were imposed, and victim restitution was initially set at $2,332.75.

In July 2010, the restitution officer informed the court that the order for restitution needed to be changed to make restitution payable to the State Victim Compensation Board. The district attorney also sought to correct the amount of restitution. Lopez opposed review of the restitution order, and the court conducted a restitution hearing in August 2011. The final orders for restitution awarded $4,307.75 to the Victim Compensation Board and $8,310.70 to the victim. Lopez timely appealed.

DISCUSSION

Lopez was advised of the rights he would waive by entry of his guilty plea and the potential consequences of the plea. The parties stipulated that the transcript of the preliminary hearing demonstrated a factual basis for the plea. The court found there was a factual basis for the plea, that Lopez was aware of its consequences and that it was free and voluntary.

In light of Lopez's guilty plea, the grounds for appeal are limited to those occurring after entry of the plea. (Cal. Rules of Court, rule 8.304(b).) Accordingly, we have closely reviewed the modification of restitution for possible error.

The record reflects that the Victim Compensation Claim Board paid the victim $4,307.75. Accordingly, Lopez was obligated to repay this amount to the Board. (§ 1202.4, subd. (f)(4)(A).) The restitution order in favor of the Victim Compensation Claim Board was proper. The record also reflects that restitution was ordered in favor of the victim for $8,310.70 to reimburse her for $7,910.70 in medical expenses paid on her behalf by her private medical insurance, and $400 of moving expenses that were not paid to the victim by the Board when she relocated her residence. Both components of victim restitution were proper. (§ 1202.4, subd. (f)(2), (f)(3)(B) & (I).)

This court has reviewed the entire record on appeal. His counsel advises us that Lopez has been advised of his right to file a supplemental brief. He has not done so. There are no issues that require further briefing.

DISPOSITION

The judgment is affirmed.

_____
Siggins, J.

We concur:

_____
McGuiness, P.J.

_____
Pollak, J.