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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.

TONY ERIC HEINRICHER,

Defendant and Appellant.

A136295

(Napa County
Super. Ct. No. CR153576)

Defendant Tony Eric Heinricher appeals from a judgment entered following his no-contest plea to involuntary manslaughter and elder abuse. His attorney has asked this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was informed of his right to file a supplemental brief, which he has not done. Upon independent review of the record, we conclude no arguable issues are presented for review and affirm the judgment.

Factual and Procedural History¹

Defendant and his wife began caring for defendant’s mother in their home in 2006. At the time of her death in January 2010, defendant’s mother was 92 years old and suffering from severe dementia.

On January 4, 2010, defendant brought his mother to the hospital for treatment of a compound ankle fracture that she had sustained on December 21, 2009. According to defendant, his mother had sustained the injuries when she wandered out of the house in

¹ The recitation of the facts is drawn from the factual summary contained in the probation report.

the middle of the night. He delayed seeking treatment because they had not realized the severity of her injury until early January. By the time the mother was admitted to the hospital, she was suffering from an infection and sepsis, which ultimately led to kidney failure. Defendant's mother died on January 22.

On September 16, 2010, defendant was charged by grand jury indictment with one count of murder (Pen. Code,² § 187, subd. (a)), and one count of elder abuse (§ 368, subds. (b)(1), (b)(3)). Although defendant initially moved to dismiss the indictment pursuant to section 995, on March 23, 2012, defendant withdrew his motion to dismiss and entered a negotiated no contest plea to one count of involuntary manslaughter in violation of section 192, subdivision (b), and elder abuse under section 368, subdivision (b)(1) without the enhancement found in subdivision (b)(3). Under the terms of the agreement, defendant was to receive a three-year term on the elder abuse count, with any sentence imposed on the involuntary manslaughter count stayed pursuant to section 654. The court found there was a factual basis for the plea pursuant to stipulation of counsel, based on the police reports and grand jury transcript.

Defendant was sentenced to the midterm of three years on the elder abuse count and to the midterm of three years for the involuntary manslaughter, which was stayed pursuant to section 654. The court imposed a restitution fine of \$200 pursuant to the plea agreement, along with other conditions set forth on page 6 of the probation report. The court awarded defendant a total of 1,108 days total custody credits, which was 13 days more than his sentence, and gave him credit of \$30 for each of those days, for a total credit of \$390. The court imposed indigent defense reimbursement fees of \$600, but waived \$300 following a financial hearing.

Defendant filed a timely notice of appeal on August 14, 2012.

Discussion

By entering a plea of no contest, defendant admitted the sufficiency of the evidence establishing the crime and, therefore, is not entitled to review of issues going to

² All statutory references are to the Penal Code unless otherwise noted.

the question of guilt. (*People v. Hunter* (2002) 100 Cal.App.4th 37, 42.) Because defendant has not obtained a certificate of probable cause, he may not contest the validity of his plea. Thus, only issues relating to matters arising after the plea was entered are cognizable on appeal. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(4).)

Defendant was sentenced in conformity with his plea. We see no error with regard to the fees imposed. Defendant was adequately represented by counsel throughout the proceedings.

Disposition

The judgment is affirmed.

Pollak, J.

We concur:

McGuinness, P. J.

Jenkins, J.