

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD CRAIG BERRY,

Defendant and Appellant.

A141369

(Del Norte County
Super. Ct. No. CRF 139432)

Defendant Ronald Craig Berry appeals the prison sentence imposed after he pleaded guilty to forgery. (Pen. Code, § 470, subd. (d).)¹ His attorney has asked this court for an independent review of the record to determine whether there are any arguable issues. (*Anders v. California* (1967) 386 U.S. 738, 744; *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 History²

Defendant received a trailer home from his aunt. In February 2013, defendant sold the trailer and transferred title to the buyer, Frank Nash. Defendant moved the trailer before Nash could claim it and proceeded to sell the trailer to three different buyers, each

¹ All further section references are to the Penal Code.

² The recitation of the facts is drawn from the factual summary contained in the probation report.

time moving the trailer to prevent the buyers recovering it. On at least one occasion, defendant executed a bill of sale using the name Ronald Nash.

Defendant was apprehended in Oregon. He “admitted to the multiple sales of the trailer and falsifying the bill of sale and signing as Ronald Nash.” In May 2013, Defendant was charged with two counts of petty theft with prior convictions (§§ 484, 666), forgery of a document (§ 470, subd. (d)), and false impersonation (§ 529). It was further alleged that defendant has a prior serious felony conviction for first degree burglary. (§§ 667, subds. (b)-(i), 1170.12.)

Defendant retained counsel to represent him. On November 6, 2013, defendant entered a negotiated guilty plea to forgery. (§ 470, subd. (d).) Defendant admitted suffering a prior serious felony conviction but the prosecutor agreed to dismiss the strike if defendant appeared at sentencing. Defendant was told the plea carried a maximum term of three years in prison for forgery, which would be doubled if the strike were not dismissed because he failed to appear at sentencing. Defense counsel summarized the factual basis for the plea and defendant waived his constitutional rights by signing a written form advising him of those rights and the penal consequences of his plea. The court orally questioned defendant to confirm the plea was entered knowingly and voluntarily. The court referred the matter to the probation office for a presentence investigation report and deferred accepting the plea until review of the report.

The probation officer reported that defendant has a long criminal record that includes multiple burglaries and thefts over a span of 30 years. The report stated: “The defendant has done nothing besides learn how to swindle innocent people out of their money and how to lie to make himself appear less dangerous than he truly is.” The probation officer urged the court to reject the plea agreement as too lenient. Defendant “has shown no attempt at making any type of positive change for the good of himself or the community, and the dismissal of the strike would only be a way of encouraging the defendant to continue in his anti-social behaviors.”

At the February 6, 2014 sentencing hearing, defendant brought \$800 with him as partial restitution to the victims and asked the court to grant him probation so he could

provide full restitution and pursue drug rehabilitation. The court said it came to the hearing ready to accept the probation officer's recommendation and reject the plea but decided to accept it because defendant demonstrated responsibility for his actions by "getting a job" and making efforts at restitution. The court sentenced defendant to three years in prison, the aggravated term for forgery. (§§ 470, 473, 1170, subd. (h).) The court awarded defendant credit for the 44 days he spent in local custody plus 44 days of conduct credit. Defendant filed a timely notice of appeal on March 21, 2013. The notice states that the appeal is based on the sentence or other matters occurring after entry of the plea. Defendant did not request a certificate of probable cause to challenge the validity of the plea or other matters occurring before sentencing.

Discussion

Defendant admitted the sufficiency of the evidence establishing the crime by entering a guilty plea and therefore is not entitled to review of any issue that goes to the question of his guilt. (*People v. Hunter* (2002) 100 Cal.App.4th 37, 42.) Defendant did not obtain a certificate of probable cause and thus 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).)

We find no error with regard to the sentence imposed. The court sentenced defendant to a term authorized by law and compliant with the terms of the negotiated disposition. Defendant was represented by counsel throughout the proceedings and we find no indication in the record of ineffective assistance. We find no error in the trial court proceedings and no arguable issues for review.

Disposition

The judgment is affirmed.

Pollak, J.

We concur:

McGuinness, P. J.

Siggins, J.