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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.

GERRADO BUNAG AGREGADO,

Defendant and Appellant.

A144662

(Marin County
Super. Ct. No. SC190080A)

Gerrado Bunag Agregado appeals from a judgment following his guilty plea as a result of a negotiated disposition. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

BACKGROUND

Because this case was resolved by a plea agreement before any preliminary hearing, we summarize the facts from the probation officer's pre-sentence report.

During an argument with his wife, Agregado pointed a handgun loaded with blank ammunition at her and played Russian Roulette. He pulled the trigger three or four times, and told his wife she could not leave their home. She was frightened and neither left the home nor called police. Later in the evening, Agregado took some firearms and left the house.

The following day, Agregado showed up at his wife's workplace. He threatened to kill her or her family in the Philippines. Police responded after Agregado's wife alerted another employer that her husband was threatening her. Agregado was arrested without incident. He had a loaded .41 caliber revolver and admitted pointing the gun at his wife in the earlier incident. He suspected his wife was having an affair, and he wanted to scare her.

Agregado's wife directed officers to the couple's home where police recovered five handguns, one rifle and approximately 450 rounds of ammunition.

Agregado was charged in an amended complaint with one count of making criminal threats in violation of Penal Code section 422¹; one count of false imprisonment by violence in violation of section 236; one count of residential burglary in violation of section 459; one count of possession of an assault weapon in violation of section 30605, subdivision (a); one count of possession of a firearm with a removed serial number in violation of section 23920; and one count of criminal contempt for violating a stay away order (committed while he attempted to contact his wife from county jail) in violation of section 166, subdivision (c)(1)(A). Appropriate crimes were specified to be serious or violent felonies, and enhanced due to Agregado's alleged use of a firearm.

Agregado entered a not guilty plea to all charges and waived time for trial. On the day set for preliminary hearing, Agregado changed his plea. Pursuant to a negotiated disposition, Agregado entered a guilty plea to a single count of making criminal threats enhanced due to his personal use of a firearm. In return, the remaining charges were dropped and he was to receive no more than six years in prison. The plea was accepted with *Arbuckle* and *Harvey* waivers.² Agregado was assisted by a Tagalog interpreter at

¹ Further statutory references are to the Penal Code.

² *People v. Arbuckle* (1978) 22 Cal.3d 749; *People v. Harvey* (1979) 25 Cal.3d 754.

all critical phases in the proceedings.

Following his plea, but before sentencing, the court considered and denied a motion by Agregado to discharge his court-appointed attorney as provided in *People v. Marsden* (1970) 2 Cal.3d 118.

The court considered but rejected probation, and sentenced Agregado to an aggregate of four years, four months in prison in accordance with his plea. He was awarded 196 days of pre-sentence credit and assessed fines and fees in permissible measure.

DISCUSSION

Based upon our review of the record, we have no reason to question the sufficiency of the court's advisements, Agregado's waivers or the explanation of the consequences of his plea. His plea appears to be free, knowing and voluntary. We have no reason to question the plea or the sentence imposed.

Agregado's counsel has represented that she advised Agregado of her intention to file a *Wende* brief in this case and of Agregado's right to submit supplemental written argument on his own behalf. He has not done so. Agregado has also been advised of his right to request that counsel be relieved.

There was no error. Our full review of the record reveals no issue that requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, J.

We concur:

Pollak, Acting P.J.

Jenkins, J.