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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

HOWARD JAY SWENSEN,

Defendant and Appellant.

B235092

(Los Angeles County  
Super. Ct. No. SA069468)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
James R. Dabney, Judge. Affirmed.

California Appellate Project, under appointment by the Court of Appeal,  
Jonathan B. Steiner, Executive Director, and Richard B. Lennon, Staff Attorney,  
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Howard Jay Swensen purports to appeal from the judgment following his no contest plea to one count of assault with a deadly weapon or by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). The court placed him on unsupervised probation. According to the transcript of the preliminary hearing, the victim of the assault, Kevin Arias, was on a ladder at the AMC theater at the Third Street Promenade in Santa Monica when defendant shook the ladder, causing him to fall. Defendant then got on top of Arias and attacked him using chopsticks and his fists.

Defendant's court appointed attorney filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, requesting that we independently review the record. By letter dated January 9, 2012, we informed defendant of his right to submit by brief or letter within 30 days any contentions he wished us to consider. We have received no response.

Defendant's failure to obtain a certificate of probable cause bars him from raising any issues challenging the validity of his plea (Pen. Code, § 1237.5; see *People v. McEwan* (2007) 147 Cal.App.4th 173, 177-178), and our independent review discloses no cognizable issues from proceedings arising after the plea.

We have examined the entire record and are satisfied that no arguable issues exist, and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

**DISPOSITION**

The judgment is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.