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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

BYRON ALFREDO MERIDA,

Defendant and Appellant.

B238531

(Los Angeles County
Super. Ct. No. LA060936)

APPEAL from a judgment of the Superior Court of Los Angeles County. Jessica Perrin Silvers, Judge. Appeal dismissed.

California Appellate Project, under appointment by the Court of Appeal, Jonathan B. Steiner, Executive Director, and Ann Krausz for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Byron Alfredo Merida was charged with 11 counts of second degree burglary, 6 counts of grand theft, and 5 counts of petty theft committed between August 1 and December 27, 2008. The victims were various businesses located within the same building. On March 3, 2009, defendant entered a negotiated plea of no contest to four counts of second degree burglary. In conformity with the plea agreement, the trial court suspended execution of a three-year sentence and placed defendant on probation for a period of five years.

On November 18, 2011, defendant filed a motion to vacate his plea on the ground that the trial court did not advise him of the potential immigration consequences of his plea, as required by Penal Code section 1016.5, subdivision (a). The trial court heard and denied defendant's motion on December 19, 2011, noting that defendant initialed and signed the court's Felony Advisement of Rights, Waiver, and Plea Form, and specifically initialed the following paragraph in that form: "I understand that if I am not a citizen of the United States, I must expect my plea of guilty or no contest will result in my deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty."

Defendant did not apply for or obtain a certificate of probable cause, but filed a timely appeal. We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. On April 18, 2012, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, we have received no response.

Defendant was required to obtain a certificate of probable cause to appeal the trial court's denial of his motion to vacate his plea (*People v. Placencia* (2011) 194 Cal.App.4th 489, 494), but failed to do so. We have examined the entire record and have found that no arguable issues cognizable without a certificate of probable cause. Accordingly, his appeal must be dismissed. We are satisfied that defendant's attorney has

fully complied with her responsibilities. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The appeal is dismissed.

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MALLANO, P. J.

We concur:

ROTHSCHILD, J.

JOHNSON, J.