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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

DARYL DEAN MATTHEWS,

Defendant and Appellant.

2d Crim. No. B243101
(Super. Ct. No. 1401573, 1401572)
(Santa Barbara County)

Daryl Dean Matthews appeals from an order denying his petition for a writ of error coram nobis in which he sought to vacate a judgment that was entered in 2000 after his plea of guilty to one count of possession of cocaine. (Health & Saf. Code, § 11350, subd. (a).) As part of the plea agreement, Matthews admitted four prior strike convictions, including a 1994 conviction for rape. (Pen. Code, §§ 261, 1170.12, subds. (a)-(d), 667, subds. (b)-(i).) The trial court sentenced him to 25 years to life in state prison.

We appointed counsel to represent Matthews in this appeal. After examining the record and researching potential issues, counsel advised us he could not find any arguable issues to raise on Matthews' behalf.

Matthews submitted a supplemental brief and an amended supplemental brief in which he asserts that the trial court should have vacated the 2000 conviction because his guilty plea was predicated on a promise to dismiss the 1994 strike and a

promise that, as a “second striker,” he would serve no more than 11 years in state prison or mandatory probation pursuant to Proposition 36. He also contends the 1994 conviction was based on false evidence, as demonstrated by newly discovered evidence.

We have considered Matthews' brief and reviewed the entire record. The petition for coram nobis does not meet any of the criteria for relief. (*People v. Kim* (2009) 45 Cal.4th 1078, 1093.) We are satisfied that Matthews' attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443.)

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Brian Hill, Judge

Superior Court County of Santa Barbara

Richard B. Lennon, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Respondent.