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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.

GABRIEL RAY SANCHEZ,

Defendant and Appellant.

B244706

(Los Angeles County
Super. Ct. No. KA098601)

APPEAL from a judgment of the Superior Court of Los Angeles County. Daniel Lopez, Judge. Affirmed.

Kelly C. Martin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A felony complaint, filed on August 24, 2012, charged Gabriel Ray Sanchez with eight counts: (1) attempted willful, deliberate and premeditated murder (Penal Code, § 664, subd. (a))¹ (counts 1 and 2); (2) assault with a firearm (§ 245, subd. (a)(2)) (counts 3 and 4); (3) criminal threats (§ 422, subd. (a)) (counts 5 and 6); and (4) shooting at an inhabited dwelling (§ 246) (counts 7 and 8). As to the attempted murder charges in counts 1 and 2, the felony complaint specially alleged that Sanchez personally and intentionally had used and discharged a firearm, a rifle, while committing the offenses (§ 12022.53, subds. (b) & (c)). As to counts 3 and 4 for assault with a firearm and counts 7 and 8 for shooting at an inhabited dwelling, the felony complaint specially alleged that Sanchez personally had used a firearm, a rifle, while committing the offenses (§ 12022.5, subd. (a)). Sanchez pleaded not guilty to all charges and denied the special allegations.

Before any preliminary hearing, pursuant to the parties' negotiated disposition, the trial court deemed the felony complaint filed as an information. Sanchez withdrew his not guilty plea as to counts 7 and 8 for shooting at an inhabited dwelling and entered a plea of no contest on those counts. Sanchez also admitted as to count 7 that he personally had used a firearm while committing the offense (§ 12022.5, subd. (a)). The court sentenced Sanchez to a state prison term of 18 years 8 months: (1) the upper term of 7 years on count 7, plus the upper term of 10 years for the section 12022.5, subdivision (a), enhancement; and (2) a consecutive term of 1 year 8 months (one-third the 5-year midterm) on count 8. The court dismissed all remaining counts and special allegations.

Sanchez filed a notice of appeal, contending that “[t]his appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea.” We appointed counsel to represent Sanchez in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On April 8, 2013, we directed appointed counsel to immediately send the record on this

¹ Statutory references are to the Penal Code.

appeal and a copy of the opening brief to Sanchez and notified Sanchez that he had 30 days to submit by letter or brief any ground of appeal, contention or argument he wished us to consider. We did not receive a response.

We have reviewed the entire record on appeal. Based on our analysis of the record, we are satisfied that Sanchez's appointed counsel on appeal has fully complied with her responsibilities and that no arguable appellate issue exists. (*People v. Wende*, *supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, J.

We concur:

MALLANO P. J.

JOHNSON, J.