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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.

CORY JAMES BENTON,

Defendant and Appellant.

2d Crim. No. B245877
(Super. Ct. No. 1333854)
(Santa Barbara County)

Cory James Benton appeals the judgment entered after he pled no contest to three counts of assault with a deadly weapon or by means likely to produce great bodily injury (Pen. Code,¹ § 245, subd. (a)(1)), and two counts of possession of a firearm by a felon (§ 12021, subd. (a)(1)).² Appellant also admitted that he personally inflicted great bodily injury in committing the assaults (§ 12022.7, subd. (a)), and that the crimes (except one of the assault counts) were committed for the benefit of a criminal street gang (§ 186.22, subd. (b)). The trial court sentenced him to a total term of 25 years in state prison.

¹ All further undesignated statutory references are to the Penal Code.

² Section 12021 was repealed effective January 1, 2012, and reenacted with some changes as section 29800.

Appellant is an admitted member of the Sureno criminal street gang. On February 14, 2010, he was at a party with his girlfriend Veronica Cuevas when Cuevas became involved in a physical fight with Jessica Valencia. Appellant intervened and hit Valencia. Valencia's boyfriend, Victor Gomez, hit appellant, who responded by stabbing Gomez with a knife. Appellant also stabbed Andrew Delarosa when Delarosa tried to intervene.

On February 28, and March 10, 2010, appellant was photographed in a motel room in possession of two guns. On June 23, 2010, appellant was in county jail when he and two fellow Sureno gang members attacked and beat fellow gang member Martin Mendez for violating gang rules while in custody.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised.

On June 10, 2013, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

James F. Rigali, Judge

Superior Court County of Santa Barbara

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

No appearance for Plaintiff and Respondent.