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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.

DIEGO IVAN GUZMAN,

Defendant and Appellant.

2d Crim. No. B251955
(Super. Ct. No. 1433142)
(Santa Barbara County)

Diego Ivan Guzman appeals the judgment entered after he pled no contest to being an active member of a criminal street gang (Pen. Code,¹ § 186.22, subd. (a)). In exchange for appellant's plea, the trial court dismissed counts charging him with assault by force likely to produce great bodily injury (§ 245, subd. (a)(4)), resisting an executive officer (§ 69), resisting a peace officer (§ 148, subd. (a)(1)), and dissuading a witness from reporting a crime (§ 136.1, subd. (b)(1)), and attendant gang enhancement allegations (§ 186.22, subd. (b)(1)). Appellant was sentenced to two years in state prison and was awarded 400 days presentence custody credit.

Appellant and several fellow gang members were in custody at juvenile hall when they assaulted another juvenile who is a member of a rival gang. After appellant

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

pled no contest and was sentenced to prison, he filed a timely notice of appeal challenging the validity of his plea. The court granted his request for a certificate of probable cause, which alleged he was innocent of the charge and had pled no contest out of ignorance.

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 January 17, 2014, 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 available 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, 125, 126.)

DISPOSITION

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Patricia Kelly, 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.