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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)**

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THE PEOPLE,

Plaintiff and Respondent,

v.

GURPARMINDER SINGH SANDHU,

Defendant and Appellant.

C071282

(Super. Ct. No. 11F04389)

Defendant Gurparminder Singh Sandhu waived trial by jury. Following trial to the court, he was found guilty of perjury. (Pen. Code, § 118, subd. (a).)<sup>1</sup> Imposition of sentence was suspended and defendant was placed on formal probation for four years on the condition, among others, he serve 30 days of incarceration. He was ordered to pay a \$200 restitution fine (*id.*, § 1202.4, subd. (b)), a \$40 court operations fee (*id.*, § 1465.8, subd. (a)(1)), and a \$30 court facilities assessment (Gov. Code, § 70373). Defendant appeals pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We shall affirm.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

## **FACTUAL BACKGROUND**

In accordance with *People v. Kelly* (2006) 40 Cal.4th 106, 110 (*Kelly*), we provide the following background.

In December 1997, defendant used the name Gurparminder Singh, birth date April 9, 1975, and a Social Security number ending in -XX21 to obtain a California driver's license (the Singh license). In April 1998, defendant renewed the Singh license and used the same name and birth date to obtain a California identification card (the Singh identification). Defendant again renewed the Singh license in March 1999.

In February 2002, defendant used the name Surinder Pal Bhinder, birth date March 2, 1970, and a Social Security number ending in -XX83 to obtain a commercial driver's license (the Bhinder license). In February 2007, defendant submitted a medical examination report to the Department of Motor Vehicles (DMV) to maintain the Bhinder license.

In May 2008, the DMV suspended the Singh license for failure to report an uninsured accident. Defendant renewed the Bhinder license in September 2008.

In February 2009, Dr. Fue Lee examined defendant, who identified himself as Surinder Pal S. Bhinder. The same day, defendant submitted a medical examination report and a photographic identification to the DMV's south Sacramento office to maintain the Bhinder license. The report stated in handwriting the name Surinder Pal Bhinder; listed a birth date of March 2, 1970; and bore a signature attesting to the correctness of the information under penalty of perjury.

Defendant renewed the Singh identification in February 2010. That same month, defendant submitted a medical examination report to the DMV to maintain the Bhinder license.

In February 2011, United States Citizenship and Immigration Services immigration officer Daniel Pursch interviewed defendant regarding his application for United States citizenship using the name Surinder Pal Bhinder. Pursch showed defendant DMV photographs depicting Surinder Pal Bhinder and Gurparminder Singh. Defendant told Pursch the photograph depicting Gurparminder Singh was not his photograph.

In April 2011, Pursch again interviewed defendant, who was this time accompanied by an attorney and an interpreter. Defendant identified himself as Surinder Pal Bhinder but admitted his true name was Gurparminder Singh Sandhu and his true date of birth was April 9, 1975. Defendant said Gurdashan Bhinder, his uncle, had arranged for defendant to get a fraudulent birth certificate that used the name Surinder Pal Bhinder. Defendant admitted the DMV photograph identifying Gurparminder Singh was his photograph.

In September 2011, defendant met with DMV investigator Salvador Gonzalez at the DMV investigations office in Sacramento. Defendant gave Gonzalez a passport and an ATM card bearing the name Surinder Bhinder.

According to Gonzalez, a person with a suspended license cannot obtain or renew a commercial license. The DMV does not permit a person to obtain two or more licenses. Defendant has not submitted records to DMV indicating he had changed his name from Gurparminder Singh to Surinder Pal Bhinder.

The defense submitted (1) three statements from the T-Mobile company identifying its customer as Surinder Pal Bhinder, and (2) a certified copy of documents recording a criminal conviction of Surinder Bhinder in Los Angeles County Superior Court in October 2008.

The trial court concluded beyond a reasonable doubt defendant committed perjury in that he submitted the medical examination report in the false name of Surinder Pal

Bhinder in order to obtain a material benefit, a commercial driver's license, which he would not have been able to obtain based on his driving record.

### **DISCUSSION**

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

### **DISPOSITION**

The judgment is affirmed.

\_\_\_\_\_ BUTZ \_\_\_\_\_, Acting P. J.

We concur:

\_\_\_\_\_ MAURO \_\_\_\_\_, J.

\_\_\_\_\_ MURRAY \_\_\_\_\_, J.