

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(San Joaquin)

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THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD JOSEPH GUERRERO,

Defendant and Appellant.

C078934

(Super. Ct. No. SF128200A)

Appointed counsel for defendant Richard Joseph Guerrero has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal.<sup>1</sup> (*People v. Wende* (1979))

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<sup>1</sup> 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 elapsed, and we received no communication from defendant.

25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

On May 24, 2014, defendant and Walter Taylor were playing video games and drinking beer. Eventually, both men became intoxicated and started arguing. Defendant called Taylor's mother and told her he was going to shoot her son if she did not come quickly. Neighbors heard a shot and saw Taylor lying on the ground bleeding, with a gunshot wound to his upper right chest. Taylor stated that defendant shot him with a handgun.

Defendant pleaded guilty to assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4))<sup>2</sup> and admitted he personally used a firearm (§ 12022.5, subd. (a)) and personally inflicted great bodily injury (§ 12022.7, subd. (a)) in commission of the offense. In exchange for his plea, the remaining charges were dismissed.

Sentencing took place on March 30, 2015. The trial court sentenced defendant to the midterm of three years for the assault, a consecutive four years for the use of a firearm, and a consecutive three years for the infliction of great bodily injury, for an aggregate term of 10 years in state prison. The trial court also imposed various fines and fees, and awarded defendant with 358 days of presentence custody credit.

Defendant appeals. He did not obtain a certificate of probable cause. (§ 1237.5.)

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

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<sup>2</sup> Further undesignated statutory references are to the Penal Code.

