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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

EDMUNDO PARDO RUBI,

Defendant and Appellant.

D059225

(Super. Ct. No. SCD208830)

APPEAL from a judgment of the Superior Court of San Diego County, Louis R. Hanoian, Judge. Affirmed.

Edmundo Pardo Rubi entered a negotiated guilty plea to two counts of use of a scheme to defraud another with the offer, purchase and sale of a security (Corp. Code, § 25541), one count of grand theft (Pen. Code, § 487, subd. (a)), one count of perjury (Pen. Code, § 118) and one count of attempted deceitful practices by a foreclosure consultant (Pen. Code, § 664 & Civ. Code, § 2945.4.) The plea agreement contained a stipulated prison sentence of six years and credit for time served for violation of his federal probation.

Before sentencing, Rubi moved to withdraw his guilty plea. The trial court denied the motion and sentenced Rubi in accordance with the plea agreement.

Rubi's request for a certificate of probable cause was granted.

FACTS

In 2008 and 2009, Rubi persuaded more than 20 people to quitclaim their residences and other properties into Apocalypse Trust and Amerisian Trust to enable Rubi to launch money-making projects. Rubi fraudulently claimed to have expertise in securities law and investment experience.

One of the victims, Marilyn Velonza, quitclaimed two properties into the Amerisian Trust and also wrote a \$400 check to Rubi. When Velonza became suspicious, she requested the properties and the \$400 check be returned to her. Rubi refused.

Rubi filed a lawsuit against Velonza, her attorney and a San Diego Union Tribune reporter after an article appeared in the newspaper reporting that Rubi had recently been released from federal prison for orchestrating a \$25 million Ponzi scheme. In connection with the lawsuit, Rubi filed a pleading under penalty of perjury in which he falsely claimed his federal prison commitment was for drug trafficking and manufacturing a controlled substance—not running a fraudulent Ponzi scheme.

Upon learning that Rubi was running the Apocalypse Trust and Amerisian Trust schemes while on supervised release from federal prison, an undercover FBI agent recorded Rubi offering his services to save his home from foreclosure and to give him a

rate of return for investing in a trust. Rubi secured a quitclaim deed from the agent for a fictional piece of property and received compensation from the agent.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Counsel has not referred us to any possible but not arguable issues. (See *Anders v. California* (1967) 386 U.S. 738.)

We granted Rubi permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issue. Competent counsel has represented Rubi on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, Acting P. J.

WE CONCUR:

McDONALD, J.

McINTYRE, J.