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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ALVIN MAMANGUN TIMBOL,

Defendant and Appellant.

D059271

(Super. Ct. No. SCD220467)

APPEAL from a judgment of the Superior Court of San Diego County, Robert F. O'Neill, Judge. Affirmed.

In February 2010, Alvin Mamangun Timbol entered a negotiated guilty plea to second degree murder (Pen. Code, § 187, subd. (a)) with personal use of a firearm (Pen. Code, § 12022.5, subd. (a)). In March the court sentenced him to prison for 25 years to life: 15 years to life for second degree murder plus 10 years (the upper term) for personal firearm use. Timbol appeals. We affirm.

BACKGROUND

On November 14, 1995, Timbol participated in the commission of a burglary of a locked vehicle belonging to David Hessler. In the course of the burglary, Timbol shot and killed Hessler.

## DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*) counsel lists as possible, but not arguable, issues: (1) whether the court properly stated reasons for imposing the upper term on the firearm use enhancement; and (2) whether all of the fines imposed could be imposed retroactively or whether they were barred by the ex post facto clauses of the state and federal Constitutions.

We granted Timbol permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *Wende* and *Anders*, including the possible issues listed pursuant to *Anders*, has disclosed no reasonably arguable appellate issues. Timbol has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

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HALLER, Acting P. J.

WE CONCUR:

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McINTYRE, J.

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O'ROURKE, J.