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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES DICKSON,

Defendant and Appellant.

D059844

(Super. Ct. No. SCD225149)

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

Just prior to the commencement of a jury trial, James Dickson pleaded guilty to all of the charges in the information and admitted all of the allegations. Specifically, Dickson pleaded guilty to robbery (Pen. Code,¹ § 211) in count 1; assault with force likely to cause great bodily injury (§ 245, subd. (a)(1)) in count 2; second degree burglary (§ 459) in count 3; robbery (§ 211) in count 4; second degree burglary (§ 459) in count 5;

¹ All further statutory references are to the Penal Code unless otherwise specified.

resisting an executive officer (§ 69) in count 6; and resisting an officer (§ 148, subd. (a)(1)), a misdemeanor, in count 7. Dickson admitted two serious/violent felony prior convictions within the meaning of section 667, subdivisions (b) through (i) (strike priors) and two serious felony prior convictions within the meaning of section 667, subdivision (a)(1). Dickson also admitted that in counts 1, 3, 4 and 5, he personally used a deadly weapon within the meaning of section 12022, subdivision (b)(1).

The court partially granted Dickson's motion to strike the strike priors and struck one of the priors. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.) Dickson was sentenced to prison for a determinate term of 22 years, eight months.

Dickson filed a timely notice of appeal. Dickson did not request, nor did the trial court issue, a certificate of probable cause. (§ 1237.5.)

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) raising possible, but not arguable issues. We offered Dickson the opportunity to file a brief in his own behalf and he has responded with a supplemental brief, which we will address in the discussion portion of this opinion.

STATEMENT OF FACTS

Since this appeal is from a guilty plea and no certificate of probable cause has been obtained, we will briefly summarize the facts from the transcript of the preliminary hearing in order to provide context for our review.

On June 18, 2009, Dickson entered the Adult Emporium on Convoy in San Diego. While in the store he jumped up on the counter and placed a black gun against the clerk's head and demanded money. He took approximately \$1,700. Dickson next pistol whipped another person in the store, telling the person he was going to execute him. Dickson then left the store.

On the evening of January 10, 2010, Dickson again returned to the Adult Emporium. Dickson pulled out a gun, pointed it at the clerk and demanded money. On this occasion he obtained \$1,200. All three incidents were captured on the store's surveillance videos.

Dickson was stopped by a sheriff's deputy on January 21, 2010. After a struggle and foot chase, Dickson finally dropped his gun and was taken into custody. The gun which was recovered was an airsoft gun that looked like a .9 millimeter Beretta.

DISCUSSION

We will first address the contentions in Dickson's supplemental brief. Dickson contends that the trial court erred in denying retained counsel's pretrial request to be relieved and that the court should have required counsel to state on the record the work that counsel had done to prepare for trial. Dickson also contends his counsel was ineffective for failing to retain and call mental health experts to establish his defense of "Diminished Actuality."

We do not find that Dickson has presented any reasonably arguable issues for reversal. He entered a guilty plea and did not request a certificate of probable cause

under section 1237.5. Dickson did not seek to withdraw his guilty plea and has raised these objections for the first time on appeal. A defendant who pleads guilty cannot thereafter raise evidentiary rulings not preserved by statute. His appeal is limited to addressing those events that occurred after the plea. (*People v. Panizzon* (1996) 13 Cal.4th 68, 74-75.) Thus we have no jurisdiction on this appeal to consider the merits of his various pre-plea issues. Further, we have no record on which to base an analysis of his claim of ineffective assistance of counsel. Dickson's remedy, if any, lies in his ability to file a petition for writ of habeas corpus in the trial court and thereby develop a record to support his claim. (*People v. Mendoza Tello* (1997) 15 Cal.4th 264.)

Turning next to the brief filed by appellate counsel, as we have noted, appellate counsel has filed a brief indicating she is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies the possible, but not arguable issue:

1. Whether the trial court abused its discretion in imposing a 22 year, eight-month sentence on Dickson's convictions and admissions of weapon use and serious/violent felony prior convictions.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 426, and *Anders, supra*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. Competent counsel has represented Dickson on appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

NARES, J.

McDONALD, J.