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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

TAREK L. POSEY,

Defendant and Appellant.

D060406

(Super. Ct. Nos. SCD234778,  
SCD203453)

APPEAL from a judgment of the Superior Court of San Diego County, Esteban Hernandez, Judge. Affirmed.

Tarek L. Posey entered a negotiated guilty plea to robbery (Pen. Code, § 211) in case No. SCD234778.<sup>1</sup> The court revoked probation for a prior guilty plea to possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)) in case No. SCD203453. The court sentenced him to the agreed upper five-year prison term for the robbery conviction and a concurrent one-year four-month term for the possession of a

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

controlled substance conviction. His request for a certificate of probable cause, his *Marsden*<sup>2</sup> motion and his motions to withdraw his guilty plea to robbery were denied. Posey appeals. We affirm the judgment.

#### FACTS

Posey admitted that he took \$20.00 from Kimberly M. by force or fear.

#### 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 and *Anders v. California* (1967) 386 U.S. 738. Counsel mentions as possible, but not arguable, issues: (1) whether Posey was advised of his constitutional rights and consequences of pleading guilty; (2) whether Posey's requests to withdraw his guilty plea were properly denied; (3) whether Posey's *Marsden* motions to relieve appointed counsel were properly denied; and (4) whether Posey's request for a certificate of probable cause was properly denied.

We granted Posey permission to file a brief on his own behalf. He has responded, contending he received ineffective assistance of counsel in connection with his guilty plea. However, Posey has not submitted documentation that establishes his counsel's conduct was below the applicable standard of care. 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

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<sup>2</sup> *People v. Marsden* (1970) 2 Cal.3d 118.

disclosed no reasonably arguable appellate issues. Posey has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

BENKE, Acting P. J.

NARES, J.