Filed 4/11/12 P. v. Uribe CA4/1

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE, Plaintiff and Respondent, v. JOSE GUADALUPE URIBE, Defendant and Appellant.	D060644 (Super. Ct. No. SCS249803)

APPEAL from a judgment of the Superior Court of San Diego County, Kathleen M. Lewis, Judge. Affirmed.

Jose Guadalupe Uribe entered a negotiated guilty plea to one count of committing a lewd act on a child (Pen. Code, § 288, subd. (a)).[1] In exchange for the guilty plea, the prosecution agreed to dismiss five other counts of committing a lewd act on a child, two counts of oral copulation by one over 21 years on a person under 16 years (§ 288a, subd. (b)(2)), two counts of oral copulation of a person under 18 years (§ 288a, subd. (b)(1)),

1 Statutory references are to the Penal Code.

two counts of sodomy of a person under 16 years (§ 286, subd. (b)(2)), and two counts of sodomy of a person under 18 years (§ 286, subd. (b)(1)). The parties stipulated to a prison term of six years.

The trial court sentenced Uribe in accordance with the terms of the plea bargain.

Uribe obtained a certificate of probable cause. (§ 1237.5.)

FACTS

According to the probation report, Uribe sexually molested his grandson from the time the grandson was 11 or 12 years old until he was 17 years old. In August 2010, the grandson, then an adult, reported the molestations to the Chula Vista Police Department.

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. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable issues: (1) whether Uribe's waiver of his constitutional rights to a jury trial was coerced; (2) whether Uribe's trial attorney provided ineffective assistance of counsel; (3) whether the trial court abused its discretion by denying Uribe's motion to withdraw his guilty plea before sentencing; (4) whether the court erred by denying Uribe's *Marsden* (*People v. Marsden* (1970) 2 Cal.3d 118) motion; (5) whether Uribe's guilty plea was constitutionally valid.

We granted Uribe 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, including the possible issues referred to by appellate counsel, has disclosed no reasonably arguable appellate issues. Competent counsel has represented Uribe on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, Acting P. J.

WE CONCUR:

McINTYRE, J.

IRION, J.