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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RAUL ERNESTO RODRIQUEZ,

Defendant and Appellant.

D062058

(Super. Ct. No. SCS253380)

APPEAL from a judgment of the Superior Court of San Diego County, Alvin E. Green, Jr., Judge. Affirmed.

A jury convicted Raul Ernesto Rodriguez of attempted robbery (Pen. Code, §§ 211, 664), and he admitted to two prior felonies. The trial court sentenced him to the middle term of two years in prison.

Rodriguez appeals, and his appellate counsel has asked this court to conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

After reviewing the entire record, we identify no reasonably arguable appellate issues and affirm the judgment.

BACKGROUND

The morning of December 15, 2011, Maria Gomez-Zamarano was at the parking lot of a San Ysidro shopping center putting purchases in her minivan. She was accompanied by her sister and her niece. Rodriquez walked up to Gomez-Zamarano and asked whether she had seen some police officers. He was looking away, and when she looked the same direction and responded she had not seen any officers, he reached across her and yanked the strap of her purse off her left shoulder. She struggled with him and refused to let go of her purse. She, her sister and niece began screaming and he released the purse.

The incident was also observed by another person in the parking lot. Bystanders detained Rodriquez until police officers arrived and arrested him. He smelled of alcohol but did not appear to the officers to be under the influence of alcohol or drugs.

Rodriquez testified he had been taking prescription pain pills after being released from the hospital the morning of the incident, and he also drank alcohol that morning. He remembered approaching Gomez-Zamarano, her sister and her niece, and talking to them, but he only recalled "bits and pieces of the whole thing." He claimed he was trying to help them put their purchases in Gomez-Zamarano's car. He admitted, however, that after hearing her testimony he may have grabbed her purse. His memory was unclear because of the "alcohol and the Vicodin mix." Gomez-Zamarano's niece denied he was assisting with packages.

DISCUSSION

Appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presented no argument for reversal, but asked this court to review the record for error as mandated by *People v. Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, appellate counsel listed a possible, but not arguable, issue as to the sufficiency of the evidence to support his conviction. We offered Rodriquez the opportunity to file a brief on his own behalf, and he has not responded.

Our review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the *Anders* issue, has not disclosed any reasonably arguable appellate issues. Appellate counsel has competently represented Rodriquez on appeal.

DISPOSITION

The order is affirmed.

McCONNELL, P. J.

WE CONCUR:

HUFFMAN, J.

McDONALD, J.