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COURT OF APPEAL, FOURH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GONZALO GARCIA,

Defendant and Appellant.

D063840

(Super. Ct. No. SCD243268)

APPEAL from a judgment of the Superior Court of San Diego County, Peter C.

Deddeh, Judge. Affirmed.

Richard Jay Moller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On March 25, 2013, a jury found defendant and appellant Gonzalo Garcia guilty of making criminal threats and found that in making the threats Garcia had personally

used a knife. (Pen. Code,¹ §§ 422, subd. (a) & 12022, subd. (b)(1).) The trial court found that in 2010, Garcia had been convicted of first degree burglary, a prior strike felony and a prior serious felony (§§ 667, subds. (a)(1), (b)–(i) & 1170.2); the trial court also found Garcia had served a prior prison term (§ 667.5, subd. (b)). The trial court sentenced Garcia to a total of 12 years in prison and imposed various fines and fees.

Appointed appellate counsel has filed a brief summarizing the 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.

We granted Garcia permission to file a brief on his own behalf, and he did so. In his brief, Garcia argues that the principal witnesses against him, his former wife and her roommate, were untruthful in their testimony. He asks that his sentence be reduced so that he can return to his family in Mexico.

Our review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 has disclosed no reasonably arguable appellate issues. The record shows more than sufficient evidence that Garcia snuck into his former wife's home, waited until she returned from work and, with a knife in his hand, threatened to kill her roommate, with whom he believed she was having a romantic relationship. The record also fully supports the trial court's sentencing choices, which were lawful and based in large measure on Garcia's prior burglary conviction, the violence he displayed in making the criminal threats for which he was convicted, and his continuing pursuit of his former wife.

¹ All further statutory references are to the Penal Code.

We find that Garcia was adequately represented both at trial and on appeal.

DISPOSITION

The judgment is affirmed.

BENKE, Acting P. J.

WE CONCUR:

HUFFMAN, J.

McDONALD, J.