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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DAMON A. MCGIVENS,

Defendant and Appellant.

D063911

(Super. Ct. No. SCD247682)

APPEAL from a judgment of the Superior Court of San Diego County,
Dwayne K. Moring, Judge. Affirmed.

Appellate Defenders, Inc. and Patrick E. DuNah, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

As part of a plea bargain, Damon McGivens pleaded guilty to one count of
burglary (Pen. Code,¹ § 459), admitted one prison prior (§ 667.5, subd. (b)), and one

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

serious/violent felony prior conviction (§ 667, subds. (b)-(i)). The parties stipulated to a prison term of 44 months. The remaining charges and allegations were dismissed. The burglary charge arose from McGivens entering a store to commit theft. McGivens was sentenced in accordance with the plea agreement. McGivens was permitted to represent himself in the trial court.

McGivens filed a timely notice of appeal but did not obtain a certificate of probable cause.

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 a possible, but not arguable issue. We offered McGivens the opportunity to file his own brief on appeal, but McGivens has not responded.

DISCUSSION

Pursuant to *Wende, supra*, 25 Cal.3d 436, counsel asks this court to review the record for error. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies possible, but not arguable issues:

1. Was McGivens's plea constitutionally valid?
2. Was McGivens properly granted leave to represent himself in the trial court?

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. McGivens has been represented by competent counsel on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

AARON, J.