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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JESUS A. GARCIA,

Defendant and Appellant.

D064066

(Super. Ct. No. SCS234681)

APPEAL from a judgment of the Superior Court of San Diego County, Ana L. Espana, Judge. Affirmed.

David L. Kelly, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury found Jesus A. Garcia guilty of second degree murder (Pen. Code, § 187, subd. (a); count 1) and two counts of misdemeanor child abuse (Pen. Code § 273a, subd. (b); counts 3 and 4). The court sentenced him to prison for 15 years to life for second

degree murder, with credit for time served on the misdemeanor counts. Garcia appeals. We affirm.

BACKGROUND

In 2009, Garcia's wife, Maribel Arteaga, began an affair with a coworker, Carlos Orga. Garcia learned of the affair and became upset. In October or November, Arteaga left Garcia and began living with Orga, bringing with her Garcia and Arteaga's two young sons.

Garcia spoke of killing Arteaga. One evening in December 2009, he knocked on her door. Arteaga, followed by one of their sons, answered the knock. Garcia said he wanted to take the boy to McDonald's. Arteaga said no. Garcia grabbed the boy's hand. Arteaga grabbed Garcia and pulled the boy away from him. Garcia pushed Arteaga into the wall and stabbed her in the back with a knife. Arteaga fell to the floor, bleeding. Her sons knelt by her side.

Arteaga died from the stab wound. Garcia admitted stabbing and killing her.

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 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*).

We granted Garcia permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *Wende* and *Anders* has disclosed no

reasonably arguable appellate issues. Garcia has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, Acting P. J.

WE CONCUR:

AARON, J.

IRION, J.