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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIK GERLACH,

Defendant and Appellant.

D065365

(Super. Ct. No. SCD251809)

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

Patrick J. Hennessey, Jr., under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Eric Gerlach was charged with one count of personation of another individual (Pen. Code, § 529, subd. (a)(3))¹; the complaint also alleged he had served one prior prison term (§§ 667.5, subd. (b), 668), and had two strike prior convictions (§§ 667,

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

subds. (b)-(i), 1170.12). The parties entered into a plea bargain pursuant to which Gerlach pleaded guilty to the charged offense; the other allegations were to be dismissed. Gerlach understood and agreed he would be sentenced to 365 days in local custody and receive a grant of felony probation. The court sentenced Gerlach to 365 days in the custody of the sheriff, imposed a series of fines, and granted Gerlach felony probation.

Gerlach subsequently asked the court to resentence him because his plea agreement was not knowing and voluntary, but the court denied his request. Gerlach subsequently filed a notice of appeal and obtained a certificate of probable cause. We affirm the judgment.

FACTS

On August 22, 2006, Gerlach unlawfully and falsely personated Edward Gerlach in a manner in which he could have become subject to a suit and/or incur a charge.

DISCUSSION

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 and *Anders v. California* (1967) 386 U.S. 738. Counsel has identified no arguable issues.

We granted Gerlach permission to file a supplemental brief on his own behalf, but 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 has disclosed no reasonably arguable appellate issues. Gerlach has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

HUFFMAN, Acting P. J.

IRION, J.