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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

IRVIN S. ROJAS,

Defendant and Appellant.

D065792

(Super. Ct. No. SCS266765)

APPEAL from a judgment of the Superior Court of San Diego County, Gary G. Haehnle, Judge. Affirmed.

Patrick E. DuNah and Leslie A. Rose, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Irvin S. Rojas entered a guilty plea to one count of assault with a deadly weapon (Pen. Code,¹ § 245, subd. (a)(1)) and admitted the offense was committed for the benefit

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

of a criminal street gang (§ 186.22, subd. (b)(1)). The plea was entered in exchange for a stipulated sentence of eight years in prison.

The court sentenced Rojas in accordance with the plea agreement. Rojas filed a timely notice of appeal and requested a certificate of probable cause. The trial court denied the certificate.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 384 U.S. 738 (*Anders*) requesting this court review the record for error. We offered Rojas the opportunity to file his own brief on appeal but he has not responded.

STATEMENT OF FACTS

The plea to assault with a deadly weapon and the admission of the gang enhancement was based on the testimony contained in the transcript of the preliminary hearing.

DISCUSSION

As we have noted, appellate counsel has filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436 indicating he has been unable to identify any reasonably arguable issue for reversal on appeal. Counsel asks this court to review the record for error as required by *Wende*. Pursuant to *Anders, supra*, 384 U.S. 738, counsel has identified the following possible, but not reasonably arguable issue:

Was the defendant's guilty plea constitutionally valid?

We have reviewed the entire record with particular focus on the process surrounding the guilty plea. We have not discovered any reasonably arguable issues for reversal on appeal. Competent counsel has represented Rojas on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

AARON, J.

IRION, J.