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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSE GUZMAN,

Defendant and Appellant.

D068677

(Super. Ct. No. SCD260516)

APPEAL from a judgment of the Superior Court of San Diego County, Eugenia Eyherabide, Judge. Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Respondent.

A jury convicted Jessie Guzman of attempted robbery (Pen. Code,¹ §§ 211/664) and providing false information to a police officer (§ 148.9, subd. (a)). The jury also found not true an allegation that Guzman used a deadly weapon in the commission of the

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

attempted robbery (§ 1192.7, subd. (c)(23)). The court thereafter found true three prison priors (§ 667.5, subd. (b)); two serious felony prior convictions (§ 667, subd. (a)) and two serious/violent felony (strike) priors (§§ 667, subds. (b)-(i)).

At sentencing the court struck the prison priors and one of the strike priors. Guzman was sentenced to a determinate term of 14 years in prison. Guzman filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating he has not been able to identify any reasonably arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Guzman the opportunity to file his own brief on appeal but he has not responded.

STATEMENT OF FACTS

The victim in this case, Elroy Simmons was a security guard in downtown San Diego. At about 3:50 a.m., on January 22, 2015, Simmons was near Fifth Street and F Street when he was approached by Guzman. Guzman demanded that Simmons give him Simmons's cell phone. Simmons told Guzman to leave.

Simmons called 911. He was again approached by Guzman who continued to demand the cell phone. Simmons again refused and Guzman threatened to "cut" him. Ultimately Guzman produced a knife.

When Simmons's supervisor approached the two men, Guzman ran away. Guzman was arrested shortly thereafter, but no knife was found. Guzman gave the officer a false name and date of birth.

No evidence was presented by the defense.

DISCUSSION

As we have indicated, 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. Unfortunately, counsel has not complied with the requirements of *Anders v. California* (1967) 386 U.S. 738 (*Anders*) and has not offered any possible, but not arguable issues to assist the court in its review of the record for error. However, we have reviewed the entire record and have not been able, through our own examination, to discover any reasonably arguable issue for reversal on appeal. We can confidently state the absence of offering "possible, but not arguable issues" has not adversely impacted our search for error in this record. Thus, although we are not pleased with counsel's briefing, we are satisfied that on this record Guzman has received competent representation on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

NARES, J.

O'ROURKE, J.