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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

MANUEL FRANCISCO GARCIA,

Defendant and Appellant.

E061221

(Super.Ct.Nos. FVA1301991 &  
FSB1304267)

OPINION

APPEAL from the Superior Court of San Bernardino County. Gerard S. Brown,  
Judge. Affirmed.

Lewis A. Wenzell, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Manuel Francisco Garcia was charged by felony  
complaint in case No. FSB1304267 with two counts of first degree residential burglary.

(Pen. Code,<sup>1</sup> § 459, counts 1 & 2.) Approximately one month later, he was charged in another felony complaint (case No. FVA1301991) with one count of first degree residential burglary. (§ 459, count 1.) Pursuant to separate plea agreements, defendant pled guilty to count 1 in each case, acknowledging that both counts constituted strike convictions, and agreeing that the trial court would sentence him to four years in each case, with the sentence on one case to run concurrent to the sentence on the other. Defendant subsequently filed a motion to withdraw his guilty pleas, alleging that his attorney advised him that the two convictions only counted as one strike since the sentences were being run concurrent. He contended that, if he knew he was subjecting himself to liability for two strikes, he would not have entered the pleas. The court denied the motion, concluding that defendant had not met his burden of showing he was misinformed regarding the number of strikes in his cases. The court then sentenced him to a total term of four years in state prison.<sup>2</sup>

Defendant filed timely notices of appeal. We affirm.

#### PROCEDURAL BACKGROUND

In case No. FSB1304267, defendant was charged with and admitted that, on or about February 10, 2013, he committed the crime of first degree residential burglary, a felony. (§ 459.)

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<sup>1</sup> All further statutory references will be to the Penal Code, unless otherwise noted.

<sup>2</sup> The trial court struck the remaining count in case No. FSB130427.

In case No. FVA1301991, defendant was charged with and admitted that, on or about April 10, 2013, he committed the crime of first degree residential burglary, a felony. (§ 459.)

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and one potential arguable issue: whether the court abused its discretion in denying his motion to withdraw his pleas. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST  
Acting P. J.

We concur:

KING  
J.

MILLER  
J.