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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.

STEVE PETER DEPPERSCHMIDT,

Defendant and Appellant.

E062525

(Super.Ct.No. FSB1404064)

OPINION

APPEAL from the Superior Court of San Bernardino County. Steve Malone,
Judge. Affirmed.

Neil Auwarter, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Steve Peter Depperschmidt was charged by amended felony complaint with one count of corporal injury to a spouse or cohabitant (Pen. Code,¹ § 273.5, subd. (a), count 1), and two counts of assault with a deadly weapon (§ 245, subd. (a)(1), counts 2 & 3). It was also alleged that he had two prior strike convictions (§§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)). Pursuant to a plea agreement, defendant pled guilty to count 1 and admitted one prior strike conviction. The parties stipulated that the complaint and police reports contained a factual basis for the pleas and agreed that defendant would pay restitution to victims on all counts. The trial court struck the remaining counts and allegations. Defendant was sentenced immediately. In accordance with the plea agreement, the court sentenced him to four years in state prison and awarded 140 days of presentence custody credits.

Defendant filed a timely notice of appeal on November 26, 2014. He filed an amended notice of appeal on December 22, 2014, and requested a certificate of probable cause, which the court denied. We affirm.

PROCEDURAL BACKGROUND

Defendant was charged with and admitted that, on or about August 27, 2014, he committed one count of corporal injury to a spouse or cohabitant. (§ 273.5, subd. (a).)

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)

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

25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and a few potential arguable issues: (1) whether defendant was in fact convicted of the prior felony strike offense that he admitted as part of the plea agreement; and (2) whether his trial counsel had a conflict of interest, as asserted by defendant, based on his representation of a potential prosecution witness in a previous case. 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.

CODRINGTON
J.