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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE LOZANO ROSAS,

Defendant and Appellant.

F070558

(Kern Super. Ct. No. BF152479A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Colette M. Humphrey, Judge.

Carol Foster, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the Attorney General, Sacramento, California, for Plaintiff and Respondent.

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INTRODUCTION

* Before Kane, Acting P.J., Poochigian, J. and Franson, J.

Defendant/appellant Jose Lozano Rosas pled guilty to one count of driving with a blood-alcohol level in excess of 0.08, a violation of Vehicle Code section 23153, subdivision (b), in which he injured three people. He admitted one Penal Code¹ section 12022.7, subdivision (b) enhancement and two section 12022.7, subdivision (a) enhancements. He pled to a stipulated 14-year sentence. Pursuant to the plea agreement, the trial court imposed a 14-year sentence, along with various mandatory fines and fees. Defendant appealed and appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm.

FACTUAL AND PROCEDURAL SUMMARY

On December 30, 2013, defendant was involved in an accident at an intersection in Bakersfield. When officers responded, defendant was seated in the driver's seat of one of the vehicles in the accident. Defendant was on his cell phone and all the doors to his vehicle were locked. Eventually, defendant stepped out of his vehicle after several commands from officers to exit the vehicle. Officers could smell a strong odor of alcohol emanating from defendant. Defendant was asked by one officer to describe what happened; defendant replied, "I'm drunk."

Several witnesses were interviewed and they told officers defendant had been driving the wrong direction on 23rd Street. Several vehicles managed to avoid colliding with defendant's vehicle; however, defendant hit a vehicle occupied by Israel Peña (Peña), Anmol Dhillon (Dhillon), and Katherine Fiddler (Fiddler). The three were transported to the hospital for treatment of injuries. Pena suffered a torn diaphragm and a severe brain bleed. Dhillon had two broken hips and a broken collar bone. Fiddler had a broken neck and a severe brain bleed.

Defendant was interviewed by officers on December 31, 2013, at the hospital where he had been transported to be checked. Testing showed defendant had a blood-

¹ References to code sections are to the Penal Code unless otherwise specified.

alcohol content of 0.21 percent. Defendant admitted drinking six 12-ounce Dos Equis beers before the accident. After he was medically cleared, defendant was transported to the jail and booked.

Defendant was charged with driving under the influence of alcohol and causing bodily injury to Peña, a violation of Vehicle Code section 23153, subdivision (a). He also was charged with driving while having 0.08 percent or more of alcohol in his blood, a violation of Vehicle Code section 23153, subdivision (b). Both counts alleged that defendant had: (1) an excessive blood alcohol concentration of 0.15 percent at the time of the accident, in violation of Vehicle Code section 23578; (2) proximately caused bodily injury to more than one victim, a violation of Vehicle Code section 23558; (3) personally inflicted great bodily injury within the meaning of section 12022.7; and (4) personally inflicted great bodily injury on two victims, causing them to become comatose due to brain injury or suffer paralysis of a permanent nature, in violation of section 12022.7, subdivision (b).

On September 10, 2014, defendant entered into a plea agreement. Pursuant to the plea agreement, defendant agreed to plead guilty to a violation of Vehicle Code section 23153, subdivision (b); admit one section 12022.7, subdivision (a) enhancement; and admit two section 12022.7, subdivision (b) enhancements, in exchange for a stipulated sentence of 14 years in prison.

On October 22, 2014 the trial court sentenced defendant in accordance with the plea agreement to three years for the substance offense; an additional five years for the section 12022.7, subdivision (b) enhancement; and three years each on the two section 12022.7, subdivision (a) enhancements; for a total of 14 years in state prison. The trial court ordered the mandatory Vehicle Code section 23568 fine be converted to custody to be served concurrently with the 14-year sentence. Other fines and fees were imposed and three days of presentence credits were awarded.

On November 24, 2014, defendant filed a notice of appeal. The notice of appeal states that it is based on the sentence or other matters occurring after the plea. Appellate counsel was appointed on January 21, 2015.

DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d at p. 436 on April 21, 2015. That same day, this court issued its letter inviting defendant to submit supplemental briefing within 30 days. Defendant submitted a supplemental brief on June 24, 2015, which asserts that a term of 14 years in prison is “way too harsh.”

The plea agreement called for a stipulated term of imprisonment of 14 years and the imposition of various fines and fees. The trial court sentenced defendant in accordance with his plea agreement. The abstract of judgment accurately reflects the sentence imposed by the trial court.

Defendant was represented by counsel throughout the proceedings and at the time he entered his plea. Defendant stated he had had sufficient time to review the plea agreement with counsel. He also stated affirmatively that he understood the consequences of the plea. Now, defendant contends the sentence to which he agreed is “way too harsh”; prison life “has opened” his eyes “in a major way”; and he should be allowed to “move on” with his life. In essence, faced with the realities prison life, defendant is expressing “buyer’s remorse.” A plea, however, may not be withdrawn, or a plea agreement altered, simply because the defendant has changed his mind. (*People v. Huricks* (1995) 32 Cal.App.4th 1201, 1208.) Both parties must abide by the plea bargain. (*People v. Segura* (2008) 44 Cal.4th 921, 931.)

After an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.