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

THE PEOPLE,

Plaintiff and Respondent,

v.

EFRAIN HEREDIA, JR.,

Defendant and Appellant.

F071304

(Super. Ct. No. BF155891B)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. John S. Somers,
Judge.

Linda J. Zachritz, under appointment by the Court of Appeal, for Defendant and
Appellant.

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

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*Before Poochigian, Acting P.J., Detjen, J., and Smith, J.

INTRODUCTION

Appellant Efrain Heredia, Jr., pled no contest to one count of violating Penal Code section 666.5 and admitted four prison priors in exchange for a stipulated sentence and dismissal of other charges and allegations. In exchange for his plea, it was agreed that a total term of eight years would be imposed, with three years to be served as custodial time in the Kern County jail and five years on mandatory supervision, and all other counts and allegations would be dismissed. Heredia was sentenced in accordance with his plea. Heredia appealed. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm.

FACTS AND PROCEDURAL HISTORY

On July 30, 2014, Heredia was charged with one count of violating Penal Code¹ section 666.5, possession of a stolen vehicle with a prior conviction of a related offense, and one count of violating section 496d, possession of a stolen vehicle. It also was alleged that Heredia had served five prior prison terms within the meaning of section 667.5 and had one prior conviction for violating section 496d. Heredia was represented by counsel, denied all allegations, and entered a plea of not guilty to the charges at the July 31, 2014, arraignment.

On December 5, 2014, Heredia entered into a plea agreement. He initialed and signed a felony advisement of rights, waiver, and plea form. The plea agreement specified that he plead to the section 666.5 offense and admit four of the section 667.5 enhancements. The plea agreement also provided for a stipulated sentence of “3+5-8 years split” and that the other charge and enhancement would be dismissed. Heredia’s attorney also signed the form, indicating he had discussed the charges, possible defenses, and consequences of the plea with his client.

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

At the December 5, 2014, change-of-plea hearing, the parties stipulated that the preliminary hearing transcript provided a factual basis for the plea. The trial court verified that Heredia had initialed and signed the plea form and was giving up “each and every one of these rights.” Heredia responded, “Yes, sir.” The trial court then read the various rights and asked Heredia if he understood these rights and was giving up his rights; Heredia responded, “Yes, sir.”

The trial court then accepted Heredia’s plea of no contest to the section 666.5 offense and his admission of four enhancements pursuant to section 667.5, subdivision (b). The trial court found that Heredia had entered his change of plea “in a knowing, intelligent, and voluntary fashion, understanding the consequences.” Heredia also admitted a violation of the terms of his mandatory supervision, based upon his plea. It was agreed that a “[s]hort report” could be submitted by the probation department.

The sentencing hearing was held on January 13, 2015. The trial court denied probation and imposed the upper term of four years for the offense, plus one year for each of the section 667.5 enhancements, for a total term of eight years. Heredia was ordered to serve the first three years of his sentence in custody, with the remaining five years to be served on mandatory supervision. Various terms and conditions were imposed for the mandatory supervision portion of Heredia’s sentence. The trial court ordered that Heredia serve the custodial portion of his sentence in the Kern County jail, pursuant to section 1170, subdivision (h).

On March 13, 2015, Heredia filed a notice of appeal; he also sought a certificate of probable cause. The trial court denied the request for a certificate of probable cause.

Appellate counsel was appointed on May 6, 2015.

DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436 on July 13, 2015. That same day, this court issued its letter to Heredia inviting him to submit supplemental briefing. No supplemental brief was filed.

In his request for a certificate of probable cause, Heredia stated that he was seeking to appeal and challenge the validity of his plea because the investigator hired on the case “didn’t do [their] job right” because Heredia’s codefendant received a lesser sentence, and Heredia felt he should not receive a sentence greater than that of his codefendant.

Having stipulated to a factual basis for his plea, admitted four section 667.5 enhancements, pled no contest to a section 666.5 offense, and agreed to a stipulated sentence in exchange for dismissal of another charge and additional enhancement, Heredia was sentenced in accordance with his plea agreement.

Heredia now exhibits “buyer’s remorse” with respect to the plea. Buyer’s remorse regarding a plea agreement does not constitute good cause to set aside a plea. (*People v. Simmons* (2015) 233 Cal.App.4th 1458, 1466.)

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

DISPOSITION

The judgment is affirmed.