

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

MIGUEL ANGEL RIVERA,

Defendant and Appellant.

G045922

(Super. Ct. No. 10NF1236)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Jonathan S. Fish, Judge. Affirmed.

David K. Rankin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

Miguel Angel Rivera pled guilty to two counts of forcible rape (Pen. Code, § 261), growing out of sexual attacks on different victims on two separate occasions. He executed a *Tahl* form (*In re Tahl* (1969) 1 Cal.3d 122 [advisement of rights and waiver]), admitting the charges and the factual basis supporting them. Pursuant to an indicated sentence from the trial judge, that form indicated that upon acceptance of his plea, he would be sentenced to nine years in prison. Rivera orally waived his rights and pled guilty. He was immediately sentenced to nine years in state prison, computed as the mid-term of six years for the first offense and an additional three-year low term for the second offense (his maximum exposure was 16 years).

Rivera filed a notice of appeal, but no certificate of probable cause was sought or obtained. We appointed counsel to represent Rivera, and counsel filed a brief setting forth a statement of the case. He did not argue against his client, but advised this court he had been unable to find any issues to argue on appeal. We notified Rivera he had 30 days to suggest issues to us and/or file a written argument of his own. That period has now passed, and we have received no communication from him. We have conducted an independent review of our own as prescribed by *People v. Wende* (1979) 25 Cal.3d 436, but have been unable to identify a plausible issue.

Without a certificate of probable cause, there is no issue that could be raised as to the facts supporting the conviction. There were no search and seizure issues, and neither counsel nor we are able to find any postplea issues (see *People v. Panizzon* (1996) 13 Cal.4th 68). We have reviewed the plea itself and can find no infirmity. Rivera admitted he committed the two “acts of sexual intercourse”, and that he accomplished them through “force and fear of immediate, unlawful bodily injury.” Rivera was carefully advised of his rights and waived them orally and in writing. The nature of the offense was spelled out in plain language, he was represented by experienced counsel and a Spanish interpreter was provided. The language used was – to

the extent possible – nontechnical and easily understandable. There is nothing to suggest Rivera’s trial or appellate counsel failed him in any way. We find ourselves in agreement with appellate counsel that there are simply no legal issues here that could in any way undermine the legality of appellant’s plea. The judgment is affirmed.

BEDSWORTH, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

MOORE, J.