Filed 12/11/12 P. v. Sanchez CA4/3

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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. JULIO ARTEAGA SANCHEZ, Defendant and Appellant.	G047085 (Super. Ct. No. 12CF0541) O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Robert R. Fitzgerald, Judge. Dismissed.

Anita P. Jog, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

An amended felony complaint filed April 20, 2012, charged defendant Julio Arteaga Sanchez with 13 counts of grand theft, 12 counts of vandalism, and possession of a controlled substance. On April 23, 2012, Sanchez waived his constitutional rights and pleaded guilty to the theft and drug charges in exchange for the prosecution dismissing the vandalism charges. As part of his guilty plea, Sanchez waived his right to appeal "from any and all decisions and orders made in [the] case," including any "legally authorized sentence the court imposes which is within the terms and limits of [the] plea agreement."

Sanchez nonetheless appealed, asserting the appeal was based on the sentence or other matters occurring after the plea that do not affect the validity of the plea. (See Cal. Rules of Court, rule 8.304(b)(4)(B).) We appointed counsel to represent him. Counsel filed a brief setting forth a statement of the case, but advised this court she found no issues to support an appeal. We provided Sanchez 30 days to file his own written argument, but he has not responded. After conducting an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436, we dismiss the appeal.

According to Sanchez's factual statement accompanying his plea, he "willfully and unlawfully took the . . . property" from numerous businesses between December 15, 2011 and February 21, 2012. He also possessed a usable quantity of methamphetamine on February 21, 2012. Trial counsel stipulated to the factual basis and joined in the plea. Sanchez faced a prison term of 11 years and eight months. The court placed him on probation for five years on various terms and conditions, including service of 180 days in jail. The court also ordered Sanchez to pay more than $200,000 in restitution to the theft victims.

Sanchez's appellate lawyer identifies no issues for our consideration. We have reviewed the record and likewise find no arguable issues. A defendant's guilty plea admits all matters essential to the conviction. The issues cognizable on appeal are those based on "reasonable constitutional, jurisdictional, or other grounds going to the legality

of the proceedings" resulting in the plea. But review of these issues requires a certificate of probable cause, which defendant failed to obtain. (Pen. Code, § 1237.5, subd. (a); Cal. Rules of Court, rule 8.304(b)(4)(B) & (b)(5).) Section 1237.5 is designed "to promote judicial economy by screening out wholly frivolous guilty" plea appeals before time and money are spent on such matters as the preparation of the record on appeal, the appointment of appellate counsel, and consideration and decision of the appeal itself. (*People v. Mendez* (1999) 19 Cal.4th 1084, 1095 (*Mendez*).)

Appealable issues cognizable without a certificate of probable cause include the sentence or other matters occurring "after entry of the plea," and the denial of a suppression motion. (Cal. Rules of Court, rule 8.304(b)(4)(B).) But in the case of a negotiated plea with specification of penalty, a certificate is required because the defendant's challenge to the sentence implicates the plea. (*People v. Panizzon* (1996) 13 Cal.4th 68, 79.) Moreover, here defendant expressly waived his right to appeal in conjunction with his guilty plea as to any "legally authorized sentence the court imposes which is within the terms and limits of [the] plea agreement." The trial court's imposition of probation was legally authorized. In short, the appeal is wholly frivolous and must be dismissed. (*Mendez, supra,* 19 Cal.4th at pp. 1096-1099.)

DISPOSITION

The appeal is dismissed.

ARONSON, J.

WE CONCUR:

MOORE, ACTING P. J.

IKOLA, J.