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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROARY WILLIAM GORBEA,

Defendant and Appellant.

G053505

(Super. Ct. No. 15NF1019)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Robert R. Fitzgerald, Judge. (Retired judge of the Orange Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

Defendant Roary William Gorbea pleaded guilty to possession of methamphetamine for sale (count 1), resisting a peace officer, being under the influence of methamphetamine and possession of controlled substance paraphernalia. The guilty plea form also reflected various sentence enhancements which were alleged in the information, including that he committed count 1: while he was out on bail in another case (Pen. Code, § 12022.1, subd. (b) (crime-bail-crime)); and for the benefit of, at the direction of, or in association with a criminal street gang (Pen. Code, § 186.22, subd. (b)). As agreed in the guilty plea form, the court sentenced him to eight years in state prison.

Gorbea filed a timely notice of appeal. Nothing in the record indicates Gorbea obtained a certificate of probable cause.

We appointed counsel to represent Gorbea on appeal. Counsel filed a brief summarizing the proceedings and facts of the case and advised the court he found no arguable issues to assert on Gorbea's behalf. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) Counsel notified Gorbea that he could file a supplemental brief on his own behalf. However, the time to do so has passed and we have received no communication from him.

To assist us in our independent review, counsel suggested we consider whether the crime-bail-crime and gang enhancements should be vacated, because the court allegedly failed to obtain Gorbea's admissions to those enhancements.

FACTS

Paragraph No. 15 of the guilty plea form states: “**Appeal Waiver:** I understand I have the right to appeal from decisions and orders of the Superior Court. I waive and give up my right to appeal from any and all decisions and orders made in my case, including motions to suppress evidence brought pursuant to Penal Code section 1538.5. I waive and give up my right to appeal from my guilty plea. I waive and give up my right to appeal from any legally authorized sentence the court imposes which is within the terms and limits of this plea agreement.”

At the conclusion of the change of plea and sentencing hearing the court asked Gorbea, “Now, Mr. Gorbea, do you waive your right to appeal, understanding no other court will ever look at these cases?” Gorbea replied, “Yes, your honor.”

DISCUSSION

We have independently reviewed the entire record according to our obligations under *Anders v. California, supra*, 386 U.S. 738 and *People v. Wende, supra*, 25 Cal.3d 436, and we have found no arguable issues on appeal.

The issue suggested by counsel must be rejected because: (1) Gorbea waived his right to appeal (*People v. Vargas* (1993) 13 Cal.App.4th 1653); and (2) Gorbea failed to obtain a certificate of probable cause. (Pen. Code, § 1237.5; *People v. Panizzon* (1996) 13 Cal.4th 68 (*Panizzon*); Cal. Rules of Court, rule 8.304(b).)

In any event, Gorbea was sentenced as agreed. He got exactly what he bargained for and thus cannot complain. (*Panizzon, supra*, 13 Cal.4th at p. 80.)

DISPOSITION

The judgment is affirmed.

THOMPSON, J.

WE CONCUR:

MOORE, ACTING P. J.

IKOLA, J.