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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

OSIRIS MUNOZ QUINTERO,

Defendant and Appellant.

H037275

(Santa Clara County
Super. Ct. No. FF824919)

Defendant Osiris Munoz Quintero, a known Sureno gang member, chased and stabbed two individuals after a confrontation outside a nightclub in Gilroy, California. One individual died, the other required surgery but survived. The Santa Clara County District Attorney charged the defendant with murder with use of a knife and assault with a deadly weapon with personal infliction of great bodily injury. (Pen. Code, § 187, 12022 subd. (b)(1), 245, subd. (a)(1), 12022.7.) It was further alleged that defendant had a strike prior. (Pen. Code, § 667, subd. (a), 667, subds. (b)-(i), 1170.12.) Prior to the commencement of trial, the district attorney filed an amended information which reduced the murder charge to voluntary manslaughter. (Pen. Code § 192, subd. (a).)

The matter proceeded to trial with in limine motions and jury selection. However, before testimony could begin, the parties agreed to a resolution of the case. Defendant plead no contest to the manslaughter, the assault with a deadly weapon and admitted the

strike prior. Pursuant to the plea agreement, the trial court sentenced defendant to eight years in state prison. All other allegations were dismissed, including another case charging defendant with being a felon in possession of ammunition. The court also ordered defendant to pay \$24,441.94 in restitution to the Victim Compensation and Government Claims Board. This timely appeal ensued.

On appeal, appointed counsel filed an opening brief which states the case and the facts but raises no specific issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. Thirty days have elapsed and we have received nothing from the defendant. Pursuant to our obligation as set forth in *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the record but have found no arguable issues on appeal. Therefore, we will affirm the judgment.

DISPOSITION

The judgment is affirmed.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.