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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ERNESTO ALEJANDRO GONZALEZ

Defendant and Appellant.

H041878

(Monterey County

Super. Ct. No. SS142390A)

Pursuant to a negotiated disposition, Ernesto Alejandro Gonzalez pleaded guilty to one count of forging or counterfeiting an official seal (Pen. Code, § 472); and one count of driving under the influence of a drug (Veh. Code, § 23152, subd. (e)). In exchange for his guilty plea, Gonzalez was promised felony probation and the possibility that the court would reduce the felony counterfeiting charge to a misdemeanor under Penal Code section 17, subdivision (b) at the time of sentencing.

On January 16, 2015, the court denied Gonzalez’s motion to reduce his felony conviction on the counterfeiting charge to a misdemeanor. The court noted, however, that it would be “very amenable to grant that in a period of 12 months if the defendant does well.” The court suspended imposition of sentence and placed Gonzalez on felony probation for three years; the court ordered that he serve 40 days in county jail on the counterfeiting charge, with credit for time served of 13 days. As to the driving under the influence of a drug charge, the court ordered him to serve five days in county jail with

credit for time served.<sup>1</sup> The court imposed various fines, fees, and assessments and granted the People's motion to dismiss several other charges.

On January 22, 2015, Gonzalez filed a notice of appeal.

Gonzalez's appointed counsel has filed an opening brief in which no issues are raised. Counsel asks this court to conduct an independent review of the record as required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel has declared that Gonzalez was notified that no issues were being raised by counsel on appeal, and that he could file a supplemental brief with this court.

On April 6, 2015, by letter, we notified Gonzalez of his right to submit written argument on his own behalf within 30 days. That time has passed and we have not received a response from Gonzalez.

#### *Facts*

In an information filed on September 26, 2014, the Monterey County District Attorney charged Gonzalez with possession of a controlled substance, methamphetamine (Health & Saf. Code, § 11377, subd. (a), count 1); counterfeiting or forging an official seal in that he had a counterfeit social security card and legal alien identification card (Pen. Code, § 472, count 2); driving under the influence of a drug (Veh. Code, § 23152, subd. (e), count 3); possession of controlled substance paraphernalia (Health & Saf. Code, former § 11364.1, subd. (a), count 4); driving without a valid driver's license (Veh. Code, § 12500, subd. (a), count 5); driving an unregistered motor vehicle (Veh. Code, § 4000, subd. (a)(1), count 6); and failing to stop at a stop sign (Veh. Code, § 22450, subd. (a), count 7).

According to the court's recitation of the factual basis for Gonzalez's guilty pleas, Gonzalez knowingly and unlawfully possessed a false legal resident card with the intent to defraud for purposes of securing employment, and in addition, drove a motor vehicle

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<sup>1</sup> The court gave Gonzalez the option of applying for the work alternative program through the county jail.

under the influence of a drug and was impaired by the ingestion of that drug. Gonzalez agreed with the court's recitation of the factual basis for his pleas.

As part of the plea bargain in this case, Gonzalez executed a waiver of his appellate rights. Specifically, Gonzalez agreed to "waive and give up all rights regarding state and federal writs and appeals. This includes, but is not limited to, the right to appeal my conviction, the judgment, and any other orders previously issued by this court. I agree not to file any collateral attacks on my conviction or sentence at any time in the future."

Upon our independent review of the record, we conclude there are no meritorious issues to be argued, or that require further briefing on appeal. Further, the fines and fees imposed are supported by the law and the facts. Gonzalez received a legally authorized sentence that was within the terms of the plea agreement. Moreover, he expressly waived his right to appeal the judgment, which precludes further consideration of the matter.

*Disposition*

The appeal is dismissed.

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ELIA, J.

WE CONCUR:

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RUSHING, P. J.

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WALSH, J.\*

*The People v. Gonzalez*  
H041878

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\*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.