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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

BRANDO MARTINEZ,

Defendant and Appellant.

A130253

(San Mateo County
Super. Ct. No. SC070861A)

Defendant Brando Martinez has asked that this court independently examine the record in accordance with *People v. Wende* (1979) 25 Cal.3d 436, to determine if there are any arguable issues that require briefing. We have conducted that review, conclude there are no arguable issues, and affirm.

Following a preliminary examination, defendant was charged by information with four counts of first degree robbery (Pen. Code, §§ 211, 212.5); one count of first degree burglary (Pen. Code, §§ 459-460); five counts of assault with a firearm (Pen. Code, § 245, subd. (a)(2)); four counts of making criminal threats (Pen. Code, § 422); four counts of felony false imprisonment (Pen. Code, § 236); and a single misdemeanor count of impersonating a peace officer (Pen. Code, § 538d, subd. (a)). The information also included dozens of enhancement allegations.

On the day trial was set to begin, defendant agreed to plead no contest to the four robbery counts, and to admit allegations that he personally used a firearm in the commission of the offenses (Pen. Code, § 12022.53, subd. (b)), and that each offense constituted a serious felony (Pen. Code, § 1192.7, subd. (c)(19)). The prosecution's part

of the plea bargain was to move for dismissal of all other charges and enhancement allegations, and to agree that defendant would receive an aggregate sentence of 14 years in state prison. After the court accepted defendant's changed pleas and admissions, defendant waived arraignment and preparation of a sentencing report by the probation officer, whereupon sentence was imposed in conformity with the agreement.

Concerning the charges to which defendant in effect pleaded guilty, the transcript of the preliminary examination shows that in the early hours of March 21, 2010, defendant was one of three armed men who entered the home of Alejandro Castro and his sons, Daniel Vega, Alejandro Gonzalez, and Andres Gonzalez. The invaders claimed to be "federal police," threatened the occupants with the guns, bound the occupants with duct tape, and left with jewelry.

Defendant filed a timely notice of appeal. We appointed counsel for defendant, who was advised that he could file a supplemental brief if he believed there were arguable issues. Defendant did not do so.

Defendant was at all times represented by competent counsel who safeguarded defendant's interests. The very favorable plea bargain negotiated attests to that.

The change of defendant's plea complied with the formalities required by *Boykin v. Alabama* (1969) 395 U.S. 238 and *In re Tahl* (1969) 1 Cal.3d 122. There was an adequate factual basis for the changed pleas.

No part of the aggregate sentence was illegal.

Given the nature of the offenses, defendant's credits were correctly calculated in the manner required by Penal Code section 2933.1.

The judgment of conviction is affirmed.

Richman, J.

We concur:

Kline, P.J.

Haerle, J.