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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSEPH GARZA,

Defendant and Appellant.

D080570

(Super. Ct. No. FVA1301203)

APPEAL from an order of the Superior Court of San Bernadino County, Katrina West, Judge. Affirmed.

Robert V. Vallandigham, Jr., under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2016, a jury convicted Joseph Garza of voluntary manslaughter as a lesser included offense of the charge of murder (Pen. Code,¹ § 192, subd. (a)) and found true an allegation that Garza personally and intentionally

¹ All further statutory references are to the Penal Code.

discharged a firearm causing death or great bodily injury (§ 12022.53, subd. (d)).

The court sentenced Garza to a determinate term of 16 years in prison.

Garza appealed and this court affirmed the judgment in an unpublished opinion. (*People v. Garza* (Sept. 11, 2018, D073723).)

In 2022, Garza filed a petition for resentencing under former section 1170.95 (now renumbered 1172.6). The court appointed counsel for Garza, received briefing, reviewed the record of conviction, and held a hearing. The court found there were no jury instructions on felony murder or liability based on the doctrine of natural and probable consequences. The defense was imperfect self-defense and there was no doubt that Garza was the actual shooter. The court denied the petition.

Garza filed a timely notice of appeal from the order denying his petition.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating counsel has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Garza the opportunity to file his own brief on appeal, but he has not responded.²

DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified a possible issue that was considered in evaluating the potential

² We discussed the facts of the offense in our prior opinion. (*People v. Garza, supra*, D073723.) We will not repeat that discussion here.

merits of this appeal: Whether there is evidence to support the court's posttrial order.

We have reviewed the entire record as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Garza on this appeal.

DISPOSITION

The order denying Garza's petition for resentencing under section 1172.6 is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

O'ROURKE, J.