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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

LEON HOUSTON KING,

Defendant and Appellant.

E079343

(Super.Ct.No. DWV21002716)

OPINION

APPEAL from the Superior Court of San Bernardino County. Corey G. Lee, Judge. Affirmed.

Leon Houston King, in propria persona; and Lisa A. Kopelman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In July 2021 the San Bernardino County District Attorney charged King by complaint with arson (Pen. Code,<sup>1</sup> § 451, subd. (b)), first degree residential burglary

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<sup>1</sup> Unlabeled statutory citations refer to the Penal Code.

(§ 459), and animal cruelty (§ 597). In early September of the same year, King filed a motion under *People v. Marsden* (1970) 2 Cal.3d 118 seeking to have his counsel relieved. The court denied the motion.

On the first day of trial, King decided to plead no contest to the arson and burglary charges. The court dismissed the remaining charges.

Before the court could sentence King, he filed a motion to withdraw his plea. The court heard the motion in May 2022. King alleged his attorney did not communicate well with him, and that he was pressured into taking the plea. The court discussed at length its review of the plea colloquy and recollection of the colloquy and its context, noting the court gave King extra time to consider the plea, that King made an affirmative choice between two different offers from the prosecution, and that King said he knew he could reject the plea and proceed to trial immediately if he wished. The court then denied the motion, stating there was “no clear and convincing demonstration that there was any kind of good cause, mistake, ignorance, or other factors overcoming the exercise of free judgment, including inadvertence, fraud, or duress.” The court sentenced King to six years four months in prison.

King filed a notice of appeal and requested a certificate of probable cause. The court denied his request for a certificate of probable cause.

We appointed counsel to represent King on appeal, and counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case and a summary of the

facts and asking us to conduct an independent review of the record. Counsel’s brief raised two potential issues for our consideration: whether the court erred in denying King’s motion to withdraw his plea, and whether we can reach any issue given there is no certificate of probable cause. We offered King an opportunity to file a personal supplemental brief, and he did so, reiterating many of the arguments he made in his motion to withdraw his plea.

We have no certificate of probable cause in this case. (See § 1237.5.) A defendant must obtain a certificate of probable cause in order to challenge on appeal the denial of a motion to withdraw a guilty plea. (*People v. Johnson* (2009) 47 Cal.4th 668, 679.) We see no basis for an appellate challenge to either the plea or sentence. (See Cal. Rules of Court, rule 8.304(b).) We have reviewed the entire record and are satisfied that defendant’s attorney has fully complied with the responsibilities of counsel, and that no arguable issues exist. (See *Wende, supra*, 25 Cal.3d at p. 441.)

### III. DISPOSITION

We affirm the judgment.

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RAPHAEL  
J.

We concur:

RAMIREZ  
P. J.

SLOUGH  
J.