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NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

C051817

(Super. Ct. No. 05F05905)

v.

KENNETH BOWERS,

Defendant and Appellant.

In this case, defendant Kenneth Bowers entered into a plea bargain that called for his plea of no contest to possession of cocaine base for sale and his sentence to be six years in state prison. During the same court hearing at which defendant entered his plea, the trial court released defendant on his own recognizance (O/R) pursuant to an agreement with defendant that defendant could be sentenced to up to 10 years in state prison if he did not appear at the time set for sentencing, November 3, 2005. Defendant did not appear at the time set for sentencing; he was picked up on a bench warrant; and, at sentencing, the trial court imposed a term of eight years in state prison.

On appeal, defendant contends his conviction and sentence should be reversed and he should be allowed to withdraw his plea. He argues that his O/R release agreement, which provided for a

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greater sentence if he did not appear at sentencing, was not part of the plea bargain so that he should be allowed to withdraw his plea.

Defendant's contentions attack the validity of his conviction resulting from his plea of no contest.

However, defendant has not obtained a certificate of probable cause. His contentions attacking the validity of his plea and conviction are not cognizable in the absence of a certificate of probable cause. (Pen. Code, § 1237.5, subd. (b); Cal. Rules of Court, rule 8.304(b); In re Chavez (2003) 30 Cal.4th 643, 646, 651; People v. Mendez (1999) 19 Cal.4th 1084, 1095; People v. Panizzon (1996) 13 Cal.4th 68, 75-76.)

DISPOSITION

The judgment is affirmed.

______, Acting P.J.

We concur:

MORRISON , J.

ROBIE ___, J.