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California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ROGER WAGNER,

Defendant and Appellant.

B296414

(Los Angeles County  
Super. Ct. No. MO255196)

APPEAL from a judgment of the Superior Court of  
Los Angeles County, Michael D. Abzug, Judge. Dismissed.

Gerald J. Miller, under appointment by the Court of  
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Roger Wagner has been committed at Patton State Hospital since 1983, after he was found not guilty of assault with intent to commit rape by reason of insanity. On October 2, 2018, the District Attorney for the County of Los Angeles filed a petition to extend appellant's commitment pursuant to Penal Code section 1026.5, subdivision (b).<sup>1</sup> A jury found true beyond a reasonable doubt that appellant suffers from a mental disease, defect, or disorder that causes him to pose a substantial danger of physical harm to others and have serious difficulty in controlling his dangerous behavior. The trial court extended appellant's commitment through January 10, 2021. Appellant timely appealed.

Appellant's appointed counsel filed a brief requesting that we independently review the record for error pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We directed counsel to send the record and a copy of the brief to appellant, and notified appellant of his right to respond within 30 days. We have received no response.

We dismiss the appeal. As counsel acknowledges in the opening brief, the *Wende* procedures of appellate review do not apply to appeals from extension of commitments of persons found not guilty by reason of insanity. (*People v. Martinez* (2016) 246 Cal.App.4th 1226, 1238-1240; cf. *Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 535 [*Wende* procedures not required in appeal from imposition of conservatorship under Lanterman-Petris-Short Act].) Because neither appellant nor his counsel has raised any claims of error, we dismiss the appeal as abandoned. (*People v. Martinez, supra*, 246 Cal.App.4th at p. 1240; see also *People v.*

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

*Serrano* (2012) 211 Cal.App.4th 496, 503.)

**DISPOSITION**

The appeal is dismissed.

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COLLINS, J.

We concur:

WILLHITE, ACTING P.J.

CURREY, J.