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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRY LAMAR BATTLE,

Defendant and Appellant.

B267936

(Los Angeles County  
Super. Ct. No. GA094855)

THE COURT:\*

Terry Lamar Battle (Battle) was convicted of assault with a firearm (Pen. Code, § 245, subd. (a)(2); count 1)<sup>1</sup> and discharging a firearm from a motor vehicle at a person not an occupant of a motor vehicle (§ 26100, subd. (c); count 2). As to count 1, the jury found true the allegation that Battle personally used a firearm within the meaning of section 12022.5. He was sentenced to 12 years in state prison as follows: the low term of two

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\* ASHMANN-GERST, Acting P. J., CHAVEZ, J., HOFFSTADT, J.

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

years as a base on count 1, plus 10 years for the section 12022.5 enhancement. Sentence on count 2 was stayed pursuant to section 654. Battle received 473 days of custody credit.

Battle now appeals. His appointed counsel filed a no merit brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*) raising no issues for us to consider. On August 22, 2016, we notified Battle of the no merit brief and gave him leave to file, within 30 days, a brief or letter setting forth any arguments supporting his appeal. He did not file a letter or brief within the prescribed time.<sup>2</sup> Upon review of counsel's no merit *Wende* brief and the record, we conclude that there are no arguable issues, and Battle is not entitled to appellate relief.

We are satisfied that Battle's counsel complied with his responsibilities. We conclude that Battle has received adequate and effective appellate review of the judgment entered against him by virtue of counsel's compliance with the *Wende* procedure, and our review of the record. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The judgment is affirmed.

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<sup>2</sup> Apparently in lieu of a letter or brief, Battle filed some minute orders, pages 4 through 9 of appellate counsel's previously filed motion to augment the record on appeal, and 20 pages of the reporter's transcript. Much of the text in these documents is underlined with blue ink. We do not consider these documents, which are already part of the record, as containing argument.