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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANKY ROBERT MENDEZ,

Defendant and Appellant.

B286605

Los Angeles County

Super. Ct. No. VA145467-01

APPEAL from a judgment of the Superior Court of Los Angeles County, Debra Cole-Hall, Judge. Affirmed.

Tracy L. Emblem, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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An information charged Franky Robert Mendez with fleeing from a peace officer's vehicle while driving in willful or wanton disregard for the safety of persons or property in violation of Vehicle Code section 2800.2 (count one); driving or taking a vehicle without consent of the owner with a prior felony theft conviction in violation of Penal Code section 666.5 (count two); driving a motor vehicle without a valid driver's license in violation of Vehicle Code section 12500, subdivision (a) (count three); and willful disobedience of a criminal street gang injunction in violation of Penal Code section 166, subdivision (a)(9) (count four). The information further alleged as to counts one and two that Mendez had two prison priors. (Pen. Code, § 667.5, subd. (b).) Mendez pleaded not guilty to all counts and denied the allegations. Before trial, the People dismissed counts three and four.

The evidence at trial showed that, on July 31, 2017, a white Ford Econo van was reported stolen from Securematics, Inc., a company located in Santa Clara, California. Three days later, on August 3, 2017, at 1:00 a.m., Deputy Elsie Medina of the Los Angeles County Sheriff's Department observed a white van in the area of Hooper and 60th Streets while on patrol with her partner, Deputy Keegan McInnis. Deputy Medina investigated the van's license plate and confirmed it was the same van that was reported stolen from Securematics.

After the van pulled over, the deputies illuminated it with their patrol car's spotlights and turned on a forward-facing red light to initiate a felony traffic stop. The patrol car was marked with Sheriff's Department logos, lights, and sirens, and the deputies were in uniform. Mendez, who was alone in the van, turned back to look at the deputies, and then drove off. Both deputies had an unobstructed view of Mendez's face through the van's rear window for approximately three seconds.

The deputies pursued the van, with lights and sirens, until a Los Angeles Police Department air support unit took over the chase. After approximately 10 minutes, air support reported that the van had crashed into a parked car, and that the driver had jumped from the van and run into a house near 52nd and McKinley Streets. Deputies Medina and McInnis responded to the report and assisted with containing the driver in the house. After about 20 minutes the driver exited the house. Both deputies identified the driver as defendant Mendez.

Deputy Medina found the van crashed into another parked vehicle on the corner of 52nd and McKinley. She noted that the housing of the ignition had been removed so it could be manipulated without a key.

Mendez stipulated that he had been previously convicted of a crime listed in Penal Code section 666.5.

The jury returned a verdict finding Mendez guilty on counts one and two. The court sentenced Mendez to four years in state prison, selecting count two as the base term and imposing a mid term of three years (Pen. Code, § 666.5, subd. (a)) with a consecutive term of one year for the prison prior (Pen. Code, § 667.5, subd. (b)). The court also imposed a concurrent term of two years for count one. (Veh. Code, § 2800.2; Pen. Code, § 1170.) Mendez received custody credits of 214 days and was ordered to pay restitution, fines, and fees. He filed a timely notice of appeal.

We appointed counsel to represent Mendez on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. On March 28, 2018, we notified Mendez that he had 30 days within which to submit any contentions or issues he wished this court to consider. To date, we have received no response.

We have examined the entire record, and we are satisfied that Mendez's counsel has fully complied with her responsibilities

and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

**DISPOSITION**

The judgment is affirmed.

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EGERTON, J.

We concur:

EDMON, P. J.

LAVIN, J.