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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

NELSON VELASQUEZ,

Defendant and Appellant.

B270642

(Los Angeles County
Super. Ct. No. PA083688)

APPEAL from an order of the Superior Court of Los Angeles County,
Hayden A. Zacky, Judge. Affirmed.

John Doyle, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Nelson Velasquez appealed from his conviction of violating Vehicle Code section 2800.2—driving in willful or wanton disregard for the safety of persons or property while fleeing from a pursuing police officer.¹ We appointed counsel to represent him. On November 2, 2016, his counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues on appeal and requesting that we independently review the record to determine if the lower court committed any error. On the same day, Velasquez’s counsel sent to Velasquez a copy of the brief and the record on appeal, and informed him of his rights to: (1) file a supplemental brief, and (2) request that the court relieve him as his attorney. On November 4, 2016, we sent notice to Velasquez of his right to file a supplemental brief within 30 days from that date. He did not file a supplemental brief.

We have reviewed the matter pursuant to *Wende, supra*, 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*), and have found no arguable appellate issues. Accordingly, we affirm the judgment.

FACTUAL AND PROCEDURAL SUMMARY

On June 8, 2015, California Highway Patrol (CHP) Officers Grant Swain and Marissa Raya were in a CHP patrol car—a Ford Explorer marked with the CHP logo on the side and back of the vehicle. The Explorer was equipped with a functioning overhead light bar and a mobile video audio recording system (MVARs). At about 2:30 that morning, the officers saw a Honda Civic, driven by Velasquez, going about 70 miles per hour on a residential street. Velasquez appeared to be participating in a street race with other vehicles. The officers activated the Explorer’s overhead flashing lights and the MVARs, and pulled up behind Velasquez’s car. Velasquez started to pull over, then drove away. Officer Raya used a loudspeaker to issue multiple commands to pull over, but Velasquez did not comply.

Velasquez led the CHP officers on a chase through residential and commercial streets that lasted approximately 11 minutes. At times, Velasquez reached speeds of more than 100 miles per hour, drove on the wrong side of streets, drove without stopping through intersections marked with stop signs,

¹ All subsequent statutory references are to the Vehicle Code unless otherwise indicated.

ran through ten red lights, and nearly hit a motorcyclist. The chase ended when Velasquez turned his car to face the CHP officers' Explorer, accelerated quickly, and collided into the front of the Explorer. The collision caused soreness in officer Raya's neck, shoulders, and back. Velasquez ran from the car, but was apprehended.

Velasquez was charged with two counts of assault on a police officer and one count of violating section 2800.2, subdivision (a).²

Prior to trial, the court heard and denied Velasquez's motion for the appointment of substitute counsel pursuant to *People v. Marsden* (1970) 2 Cal.3d 118. During trial, Officers Swain and Raya testified for the prosecution, and the MVARs video recording of the chase was shown to the jury. The defense did not call any witnesses.

During deliberations, the jury asked a question pertaining to the definition of assault with a deadly weapon. The court responded to the question and allowed counsel to make further argument on the issue.

The jury acquitted Velasquez of the assault charges and convicted him of violating section 2800.2. The court sentenced him to prison for the upper term of three years, and imposed a \$600 restitution fee (Pen. Code, § 1202.4), a \$40 court operations assessment fee (Pen. Code, § 1465.8, subd. (a)(1)), and a \$30 criminal conviction assessment fee (Gov. Code, § 70373, subd. (a)(1)). The court also imposed and stayed a \$600 parole revocation fee. (Pen. Code, § 1202.45, subd. (a).) Defendant filed a timely appeal.

DISCUSSION

We have reviewed the record on appeal and are satisfied that Velasquez's counsel has fully complied with his responsibilities and that no arguable appellate issue exists. (*Wende, supra*, 25 Cal.3d at pp. 439-442; *Kelly, supra*, 40 Cal.4th at pp. 123-124.)

² Section 2800.2, subdivision (a) makes it unlawful to "flee[] or attempt[] to elude a pursuing peace officer in violation of Section 2800.1 and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property." Section 2800.1 provides in part: "Any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's motor vehicle, is guilty of a misdemeanor."

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

LUI, J.