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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.

ALBERT THERRIEN, III,

Defendant and Appellant.

B287543

(Los Angeles County Super. Ct. No. KA113897)

#### THE COURT:

Defendant and appellant Albert Therrien, III (defendant) appeals his judgment of conviction of vehicular manslaughter and hit-and-run driving. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On August 28, 2018, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

Defendant was charged by information in count 1 with felony vehicular manslaughter in violation of Penal Code section 192, subdivision (c)(1), and in count 2, with misdemeanor hit-and-run driving resulting in property damage, in violation of Vehicle Code section 20002, subdivision (a).

Defendant was tried by jury. The prosecution evidence showed that defendant drove a box truck erratically at an excessive speed, sideswiped an SUV, tearing off defendant's sideview mirror and damaging the SUV, but did not stop. Defendant then failed to obey a stop sign, accelerated to about 60 miles per hour, and then collided with the car driven by Abraham Martinez, who was ejected from his car and suffered a fatal skull fracture and brain hemorrhage.

The jury convicted defendant of both counts as charged. On January 12, 2018, the trial court sentenced defendant on count 1 to the high term of six years in prison, and as to count 2, the court sentenced defendant to a consecutive term of six months in jail. Presentence custody credit was calculated as 212 actual days plus 212 conduct credits, for a total of 424 days. The court imposed mandatory fines and fees, as well as direct victim restitution of \$11,688.95 to the survivor of the deceased victim, reserving jurisdiction to enter order awarding \$5,224.53 to the other victim upon receipt of an invoice. Defendant filed a timely notice of appeal from the judgment.

We have examined the entire record and are satisfied that defendant's appellate counsel has fully complied with his responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against

Defendant did not testify or present affirmative evidence.

him in this case. (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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LUI, P. J.

CHAVEZ, J.

HOFFSTADT, J.