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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ARTURO ACEVEDO,

Defendant and Appellant.

B284943

(Los Angeles County  
Super. Ct. No. PA085680)

APPEAL from a judgment of the Superior Court of Los Angeles County, Hilleri G. Merritt, Judge. Affirmed.

Katherine E. Hardie, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

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Appellant Arturo Acevedo was charged with assault with a deadly weapon on Moises Galvez (Pen. Code, § 245, subd. (a)(1); count 1)<sup>1</sup> and criminal threats (§ 422, subd. (a)). It was further alleged that appellant had suffered a prior strike conviction (§§ 667, subds. (b)-(j), 1170.12), a prior serious felony conviction (§ 667, subd. (a)), and two prior convictions resulting in prison sentences (§ 667.5, subd. (b)).

At trial, the victim testified that appellant, who was holding a six-inch knife, threatened, “I’m going to kill you.” After the victim fled, appellant chased after him until the victim entered his companion’s van and left the area. Two percipient witnesses testified that they observed appellant chasing the victim, but did not see a knife in appellant’s hand. The jury convicted appellant of criminal threats, but hung (10-2 in favor of guilt) on the assault charge. The prosecution declined to refile the assault charge, and the count was dismissed. In a bifurcated proceeding, appellant admitted the prior conviction allegations.

Appellant filed a motion to strike his prior strike conviction pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, which was denied. The trial court sentenced appellant to nine years in state prison, consisting of the middle term of two years, doubled for the strike, plus a five-year enhancement pursuant to section 667, subdivision (a).

Appellant timely appealed. After examining the record, appointed appellate counsel filed a brief raising no issues, but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On March 7, 2018,

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<sup>1</sup> All further statutory citations are to the Penal Code, unless otherwise stated.

this court sent a letter advising appellant he had 30 days to submit a brief or letter raising any contention or argument which he wished this court to consider. No response was received.<sup>2</sup>

This court has examined the entire record in accordance with *People v. Wende, supra*, 25 Cal.3d at pages 441-442, and is satisfied appellant's attorney has fully complied with the responsibilities of counsel, and no arguable issues exist. Accordingly, we affirm.

### **DISPOSITION**

The judgment is affirmed.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

COLLINS, J.

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<sup>2</sup> We subsequently granted defendant's motion for an extension of time to file a response. No response was received.