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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.

JAMES CONTE ROZELLE, JR.,

Defendant and Appellant.

B279978

(Los Angeles County
Super. Ct. No. BA429953)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Bernie C. LaForteza, Judge. Affirmed.

Michele A. Douglass, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant James Rozelle appeals from the judgment entered following his conviction by jury of multiple counts of stalking, burglary, vandalism, and criminal threats. His counsel filed an opening brief that raised no issues and requested independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On July 25, 2017, we sent defendant a letter informing him of the nature of the brief that had been filed and advising him that he had 30 days to file a supplemental brief setting forth issues he wished this court to consider. Defendant has not filed a response with the court.

I. *Background*

On February 29, 2016, defendant was charged in an amended information with two counts of stalking (Pen. Code, § 646.9, subds. (a), (b); counts 1 and 2),¹ one count of residential burglary (§ 459; count 3), one count of misdemeanor vandalism (§ 594, subd. (a); count 4), and six counts of criminal threats (§ 422, subd. (a); counts 5-10).

In brief, the prosecution presented evidence at trial that defendant's wife, Wendy, filed for divorce in March 2013 and moved out of their house with their two children. Shortly thereafter, defendant began sending text messages to her and their children in which he threatened to harm them and to destroy Wendy and her career, and predicted that she would have a breakdown. Wendy's home was burglarized on April 7, 2013 without a forced entry. Wendy, who works as a marriage and family therapist, kept her client files at home in locked file

¹ All further statutory references herein are to the Penal Code unless otherwise indicated.

cabinets. All of her files were taken in the burglary, as well as her work computer and other valuables. Wendy also began to receive text messages from unknown numbers, purportedly from a parent of a former patient, accusing her of molesting the child and making additional threats. These messages also accused Wendy of publicly discussing confidential information regarding her clients, and referenced names of many clients and former clients whose files had been among those stolen from Wendy's home. Letters making similar accusations were sent to several of Wendy's clients. Wendy testified that she recognized the handwriting on one of the envelopes as defendant's. Several of the phones used to send these text messages were found pursuant to a search warrant served on defendant's home in September 2014.

In his defense, defendant's daughter from a different relationship testified that Wendy had discussed clients with her on several occasions. Defendant also testified and denied sending the text messages or purchasing any of the phones. He also denied any involvement in the burglary. He admitting sending a complaint to the Board of Behavioral Sciences because he claimed Wendy had breached her clients' confidentiality.

After the jurors indicated they could not reach a verdict as to count 10, the court declared a mistrial as to that count. The jury found defendant not guilty on counts six and nine and guilty on the remaining counts. The court sentenced defendant to eight years in prison, calculated as follows: the mid-term of four years on count three; one-third the mid-term, or eight months, on counts one, five, seven, and eight; one-third the mid-term, or one year, on count 2, and one year in county jail on count four. The court stayed the sentence on count one pursuant to section 654

and ordered the sentences on the remaining counts to run consecutively. Defendant timely appealed.

II. *Wende review*

We have independently reviewed the entire record. We are satisfied that no arguable issues exist and that defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal. 4th 106, 123-124.)

The judgment is affirmed.

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COLLINS, J.

We concur:

WILLHITE, Acting P. J.

MANELLA, J.