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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

SAI CHOI LAU,

Defendant and Appellant.

B275254

(Los Angeles County
Super. Ct. No. GA097168)

APPEAL from a judgment of the Superior Court of Los Angeles County, Michael Villalobos, Judge. Affirmed.

Ann-Marissa Cook, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Defendant Sai Choi Lau appeals from a judgment of conviction. On appeal, defendant's counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, stating that no arguable issue exists and requesting that this court independently review the record. We have reviewed the entire record and find no arguable issue. We affirm the judgment.

PROCEDURE

Defendant was charged with criminal threats (Pen. Code, § 422, subd. (a)), assault with a firearm (Pen. Code, § 245, subd. (a)(2)), and false imprisonment by violence (Pen. Code, § 236). With respect to all counts, it was further alleged that defendant used a firearm. Defendant pled not guilty.

Defendant was convicted of criminal threats and false imprisonment by violence. As to both counts, jurors found that he personally used a firearm. Defendant also was convicted of simple assault, a lesser included offense of assault with a firearm.

Defendant was sentenced to a total prison term of four years four months.

Defendant filed a notice of appeal, and his attorney filed a brief identifying no issues. Defendant did not file a supplemental brief.

FACTS

In September 2015, An Min Zhu worked as a supervisor at Value Windows in Duarte. Defendant worked for Zhu. On September 2, 2015, while Zhu was in the office completing paperwork, defendant entered with a gun. Zhu asked if it was fake gun, and defendant said it was real. Defendant pointed the gun at Zhu's head. Defendant said, "If there were [a] bullet

inside, I would shoot you and kill you.” Zhu thought defendant was going to shoot him.

Zhu said, “Master Lau, if there’s anything we can talk about, we can speak . . . [;] first put down the gun.” Defendant opened the magazine and pushed it back in the gun. He then pointed the gun at Zhu’s head again.

Zhu tried to leave but defendant prevented him from leaving by punching him. Defendant stood between Zhu and the door. Zhu said, “Master Lau, don’t be so emotional, can you tell me the reason why you’re holding a gun and pointing at me?” Defendant responded, “Crimes involving guns are caused by people like you.” As he said that, defendant continued to point the gun at Zhu. Defendant tried to take Zhu’s cell phone.

Xuijian Zhan, a supervisor at Value Window saw defendant point a gun at Zhu. Zhan heard defendant say that the gun was not loaded and saw that it was unloaded. Defendant said that Zhu was unfair in his work distribution. According to Zhan, defendant reeked of alcohol.

Defendant testified that on September 1, 2015, he went to work, but there was no work for him. Defendant was upset because his supervisor had been giving him only limited work. Defendant’s mother, who lived in China, was ill. Defendant’s wife recently moved to the United States, and her move caused defendant stress. Defendant drank 10 cans of beer throughout the night.

When defendant went to work on September 2, he took a gun with him. According to defendant, the gun was not real. Defendant looked for Zhu because he wanted more work. Defendant thought Zhu was responsible for decreasing his work load. Defendant admitted that he told Zhu that the gun was real,

but testified that it was fake. Defendant further testified that the gun was not loaded. Defendant acknowledged that he told Zhu that there was gun violence in America because of people like him. Defendant denied pointing the gun at Zhu. Defendant testified that his goal was to frighten Zhu.

When he left the office, defendant threw the gun along the roadside. He then realized he made a mistake and returned to the office to apologize to Zhu.

DISCUSSION

We have reviewed the entire record and find no arguable issue on appeal and are satisfied that defendant's attorney has fully complied with the responsibilities of counsel. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; see *People v. Kelly* (2006) 40 Cal.4th 106, 111; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.