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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.

ARTISHA LASHAY WRIGHT,

Defendant and Appellant.

B271916

(Los Angeles County
Super. Ct. No. KA104879)

APPEAL from a judgment of the Superior Court of Los Angeles County. Juan Carlos Dominguez, Judge. Affirmed.

Thomas K. Macomber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

On November 17, 2014, defendant Artisha Lashay Wright was charged by information with two counts of gross vehicular manslaughter while intoxicated (Pen. Code, § 191.5, subd. (a); counts 1 & 2), one count of driving while intoxicated causing injury (Veh. Code, § 23153, subd. (a); count 3), and one count of driving with a blood alcohol content of 0.08 percent or greater causing injury (Veh. Code, § 23153, subd. (b); count 4). Great bodily injury allegations were alleged as to counts 3 and 4 (Pen. Code, § 12022.7, subd. (a)). Defendant was first tried by jury in early 2015, but the jury was unable to reach a verdict and the court declared a mistrial. Upon retrial, a jury found defendant guilty of the lesser included offense of vehicular manslaughter while intoxicated with ordinary negligence for counts 1 and 2 (Pen. Code, § 191.5, subd. (b)), guilty as charged on count 3 with the special allegation found to be true, and guilty of the lesser included offense of misdemeanor driving under the influence for count 4 (Veh. Code, § 23152, subd. (b)). Defendant was sentenced to six years and four months in state prison. She filed a timely notice of appeal.

The evidence adduced at trial showed that on January 17, 2014, defendant attended a party with several friends, including Joanna Munoz, Joanna's sister Catherine Munoz, and Monique Magana. Joanna drove the group to the party in her car. On the way to the party, defendant purchased a 23.5 ounce can of Four Loko brand alcohol, and was seen drinking at the party.

After leaving the party, Joanna and Catherine were seated in the back seat, Monique was in the front passenger seat, and defendant was driving Joanna's car. Joanna and Catherine began to fight in the back seat, so defendant pulled over. Joanna

got in the front seat, on Monique's lap, and Catherine sat behind defendant.

As defendant drove away, Joanna and Catherine continued to physically fight. The car ultimately crashed into a utility pole, killing Joanna instantly. Monique later died at the hospital. Catherine suffered a broken jaw and pelvis. Defendant had minor abrasions and lacerations on her hands and face. Defendant was the only occupant of the car wearing a seatbelt.

The car's Event Data Recorder indicated that just before the crash, the car had rapidly accelerated to 67 miles per hour, and drifted to the right. The brakes were never applied. The posted speed limit was 40 miles per hour.

Toxicology reports indicated that defendant's blood alcohol level at the time of the accident was between 0.07 and 0.11 percent.

We appointed appellate counsel to represent defendant. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent a letter to defendant explaining his evaluation of the record. Counsel further declared that he advised defendant of her right, under *Wende*, to submit a supplemental brief. Defendant did not file any supplemental brief with this court.

We have examined the entire record, consisting of two volumes of a clerk's transcript and five volumes of a reporter's transcript, and are satisfied that appointed counsel fully complied with his responsibilities and that no arguable appellate issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.