

Filed 12/13/18 P. v. Gayles CA2/3

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN GAYLES,

Defendant and Appellant.

B289336

(Los Angeles County
Super. Ct. No. BA460705)

APPEAL from a judgment of the Superior Court of
Los Angeles County, William N. Sterling, Judge. Affirmed.

Christine Dubois, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Steven Gayles (Gayles) appeals from a judgment of conviction after a bench trial. Finding no error, we affirm.

BACKGROUND

On September 4, 2017, Gayles was a passenger on a bus. When the bus arrived at the end of its scheduled route, Gayles told the driver that he had missed his stop. When the driver informed him that he would have to catch another bus going in the opposite direction, Gayles became upset and told the driver, “I’m going to kill you,” pulling a knife from his pocket. In fear of being stabbed, the driver ran into the station, notifying security of the incident.

Shortly thereafter, a Los Angeles Police Department officer arrived on scene. The officer found Gayles inside of the bus where he was promptly arrested. At the time of the arrest, the officer retrieved a folding knife from Gayles’s pocket.

On October 4, 2017, a felony information charged Gayles with one count of criminal threats under Penal Code section 422, subdivision (a).

On November 20, 2017, the trial court suspended criminal proceedings under Penal Code section 1368.

On February 23, 2018, upon the representation of defense counsel, the trial court found Gayles competent and reinstated criminal proceedings.

On March 5, 2018, Gayles waived his right to a jury trial, electing to have a court trial.

On April 4, 2018, the trial court found Gayles guilty.

On April 5, 2018, Gayles was placed on formal probation for three years and given credit for time served in custody. He filed a timely notice of appeal that same day.

On August 15, 2018, court-appointed counsel for Gayles filed an opening brief and requested this court to conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. That same day, we directed counsel for Gayles to send the record on appeal and a copy of the *Wende* brief to his client. We stated in our notice that Gayles had 30 days to submit by brief or letter any contentions or argument he wished this court to consider. However, the letter was sent to the county jail where Gayles was no longer being held. Attempts to advise Gayles of his right to submit any arguments to this court were unsuccessful.

DISCUSSION

After our independent review of the record, we are satisfied Gayles's attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.
NOT TO BE PUBLISHED.

DHANIDINA, J.

We concur:

EDMON, P. J.

LAVIN, J.