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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBBIE EDAN BAILEY,

Defendant and Appellant.

B266097

(Los Angeles County
Super. Ct. Nos. BA425262,
GA093708)

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

Phillip A. Trevino, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Robbie Edan Bailey (Bailey) appeals the Superior Court of Los Angeles County's judgment finding Bailey violated the terms of her probation in cases Nos. GA093708 and BA425262, revoking probation in both cases, and imposing a three-year sentence in case No. GA093708 and four years local custody in case No. BA425262. This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record, we affirm the judgment. We provide the following brief summation of the factual and procedural history of the case. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 124 (*Kelly*).)

In case No. BA425262 before the San Bernardino County Superior Court,¹ the People charged Bailey with perjury by declaration in violation of Penal Code section 118²; the court convicted Bailey on January 22, 2014, and placed her on probation.

While on probation for case No. BA425262, Bailey committed at least one additional felony. In case No. GA093708 before the Los Angeles County Superior Court, the People filed an information charging Bailey with committing various crimes on or between June 21 and June 23, 2014. Count 1 alleged Bailey obtained money, labor, or property by false pretenses, a felony in violation of section 532, subdivision (a). Count 2 alleged Bailey had taken medical supplies and labor services from Glendale Memorial Hospital, the felony of grand theft of personal property valued at more than \$950 in violation of section 487, subdivision (a). On July 17, 2015, the People filed an amended information to reflect the true count numbers. As the court had dismissed the true count 1 at a preliminary hearing, the count 1 in the original information became count 2 in the amended information and the count 2 in the original information became count 3 in the amended information. The amended information did not contain a count 1.

Bailey pleaded no contest to both counts 2 and 3 and the trial court found Bailey guilty on August 28, 2014. The Los Angeles County Superior Court sentenced Bailey to

¹ The record on appeal does not disclose a charging date.

² All further statutory references are to the Penal Code.

three years in county jail, suspended execution of the sentence, and placed Bailey on probation. In addition to other conditions of probation, the trial court ordered Bailey to report to a probation officer within 48 hours of her release from custody and keep the officer advised of her residence and contact telephone numbers at all times.

While on probation for both cases Nos. GA093708 and BA425262, Bailey failed to report to the probation officer.

At Bailey's request, on October 23, 2014, the San Bernardino County Superior Court transferred case No. BA425262 and Bailey's probation therein to the Los Angeles County Superior Court, pursuant to section 1203.9.

On January 12, 2015 in case No. BA425262, the Los Angeles County Superior Court calendared the matter for a probation violation hearing on January 29. On January 29, when Bailey failed to appear at the hearing, the court issued a no bail bench warrant and revoked probation for Bailey. On March 2, Bailey appeared before the Los Angeles County Superior Court, and the court set a probation violation hearing for March 23. Subsequently, the court continued the matter several times until June 18.

During the probation violation hearing on June 18, 2015 for both cases Nos. GA093708 and BA425262, the Los Angeles County Superior Court heard testimony from both the probation officer and Bailey. Bailey claimed that she contacted, but did not report to, the probation officer because of her medical illness and hospitalization; when asked what percentage of her time on probation she had been hospitalized, Bailey responded 10 percent. At the conclusion of the hearing, the trial court found Bailey not credible and in violation of her probation in both cases Nos. GA093708 and BA425262. The trial court imposed the three-year sentence previously suspended in case No. GA093708. In case No. BA425262, the trial court sentenced Bailey to four years local custody, that is, county jail. The trial court ordered the sentences to run concurrently.

After review of the record, Bailey's court-appointed counsel filed an opening brief declaring that he found no arguable issues on appeal and requesting that this court independently review the record to determine whether there are any arguable issues on

appeal. (*Wende, supra*, 25 Cal.3d at pp. 441–442.) On December 11, 2015, we directed appointed counsel to send the record on appeal and a copy of the opening brief to Bailey and notified Bailey that within 30 days from the date of the notice she could submit by brief or letter any ground of appeal, contention or argument she wishes us to consider. To date, we have received no response.

We have examined the record in accordance with our obligations under *Wende, supra*, 25 Cal.3d at pages 441. We are satisfied that Bailey received adequate and effective appellate review of the judgment in this action, that her counsel fully complied with his responsibilities, and that no arguable issues exist. (*Kelly, supra*, 40 Cal.4th at pp. 109–110; *Wende*, at p. 443.)

DISPOSITION

The judgment is affirmed.

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JOHNSON, J.

We concur:

CHANEY, Acting P. J.

LUI, J.