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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JEROME MAJOR CARTER,

Defendant and Appellant.

B286652

(Los Angeles County
Super. Ct. No. 7PR00573)

THE COURT:

Defendant and appellant Jerome Major Carter (defendant) appeals from an order revoking post release community supervision (PRCS), and sentencing him to county jail. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On May 2, 2018, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

On February 2, 2017, the Los Angeles County Probation Department filed a petition for revocation of defendant's PRCS.

The petition alleged that defendant had been convicted in 2012 of a violation of Penal Code section 29800, subdivision (a)(1), felon in possession of a firearm, in Superior Court case No. TA123336.¹ The petition further alleged that defendant had been released on supervision in 2013, with a scheduled discharge date of February 26, 2018, and that on January 25, 2017, he failed to report to the probation office as instructed.

Defendant's whereabouts were unknown at the time the petition was filed. The trial court preliminarily revoked defendant's supervision and issued a no bail warrant. After defendant was arrested the following October, he filed a "*Faretta* waiver"² of his right to counsel, and at the arraignment on the petition, he sought to represent himself. The court questioned defendant regarding the written waiver and defendant's understanding of the proceedings, noting that the waiver form indicated it was prepared with the assistance of an interpreter. Defendant replied that no one had helped him, but that he did require an Esperanto or "U.S. Auxiliary" interpreter, adding, "It should not be hard to interpret. I am speaking it now, so maybe I don't need an interpreter." After additional questioning, the court found that defendant could not knowingly and intelligently waive his right to counsel, and denied the motion. After hearing the testimony of defendant's probation officer, the court found probable cause to believe that defendant had violated the terms of his PRCS by failing to report to probation as ordered.

A contested hearing on the petition was held on November 9, 2017. At the hearing defendant renewed his *Faretta* motion, explaining that he was in fact speaking Esperanto or U.S.

¹ The judgment in that case was affirmed in a nonpublished opinion. (*People v. Carter* (Jan. 16, 2013, B242667).)

² See *Faretta v. California* (1975) 422 U.S. 806, 820-821 (*Faretta*).

Auxiliary, and that in the prior hearing, he was “not on meds.” The renewed motion was denied. Probation Officer Lue Washington testified as she had in the earlier hearing, that prior to defendant’s release from custody on January 25, 2015, he agreed to various conditions of PRCS, including the condition that he report to the South Bay area office of the probation department within 48 hours of his release from custody. Defendant did not so report, and has not reported since February 4, 2016. Defendant did not testify and the defense presented no other evidence.

The trial court took notice of eight prior petitions having been filed and sentenced defendant to 180 days in jail with 76 days of combined custody credit. Defendant filed a timely notice of appeal from the order, challenging the denial of his *Faretta* motion.

We have examined the entire record and are satisfied that defendant’s appellate counsel has fully complied with his responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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LUI, P. J.

ASHMANN-GERST, J.

CHAVEZ, J.