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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRYSTAL GOMEZ,

Defendant and Appellant.

B271947

(Los Angeles County
Super. Ct. No. PA081771)

APPEAL from an order of the Superior Court of Los Angeles County, David B. Gelfound, Judge. Affirmed.

Ann Haberfelde, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Appellant.

On September 2, 2014 Chrystal Gomez was charged in a felony complaint with one count of carrying a dirk or dagger in violation of Penal Code section 21310.¹ It was specially alleged Gomez had previously served three separate prison terms for felonies within the meaning of section 667.5, subdivision (b).

Gomez waived her constitutional rights to a preliminary hearing and a trial and entered an open plea of no contest. The trial court suspended imposition of sentence, placed Gomez on three years of formal probation on condition she serve 180 days in county jail with credit for time served and dismissed the prior prison term allegations (§ 1385).

On May 22, 2015 Gomez appeared in court and admitted she was in violation of probation. The court revoked and reinstated Gomez on probation subject to the modified condition that she serve an additional 120 days in county jail.

On November 5, 2015 Gomez appeared in court and admitted she had violated probation by failing to report to her probation officer without sufficient excuse. Gomez, who was eight-months pregnant at the time, requested permission to participate in a 180-day residential program at Mama's House for parenting skills and drug treatment. The court found Gomez in violation of probation, revoked and reinstated probation on condition Gomez serve 38 days in county jail with credit for time served and ordered her conditionally released to Mama's House to complete the 180-day program.

On December 16, 2015 Gomez's probation officer reported that Gomez had been discharged from Mama's House on December 1, 2015 for failing to comply with basic rules and for

¹ Statutory references are to this code.

stealing from a drugstore pharmacy and possibly from other residents.

On January 7, 2016 the court revoked Gomez's probation and ordered her to attend five Narcotics Anonymous (N.A.) meetings each week and to submit to weekly drug testing. The court also ordered defense counsel to find another 180-day residential program for Gomez and scheduled a probation violation hearing.

On January 25, 2016 Gomez appeared in court and provided proof of her attendance at N.A. meetings. Defense counsel advised the court that Gomez had an appointment to enroll in Via Avante, another residential treatment program. Noting that Gomez's attendance at N.A. meetings had been less frequent than the required five times each week, the court ordered Gomez to attend N.A. meetings and submit to drug testing as previously ordered. The court scheduled a hearing for Gomez to provide proof she had complied with the court's orders and had enrolled in the Via Avante program.

On February 8, 2016 Gomez failed to appear, and the court issued a bench warrant. The court summarily revoked probation after finding Gomez had failed to comply with its orders to attend N.A. meetings and submit to drug testing.

On March 17, 2016 Gomez appeared in court. The court recalled the bench warrant, scheduled a probation violation hearing and remanded Gomez to custody.

On April 18, 2016 Gomez waived her right to a hearing and admitted she was in violation of probation. The court revoked and terminated her probation and sentenced Gomez to state prison for the middle term of two years to be served in county jail.

The court awarded Gomez 459 days of presentence custody credits and waived the statutory fines, fees and assessments.

We appointed counsel to represent Gomez on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On October 3, 2016 we attempted to advise Gomez she had 30 days within which to personally submit any contentions or issues she wished us to consider. On October 11, 2016 the notice was returned by the Los Angeles County Jail, marked “Return To Sender. Not Deliverable As Addressed. Unable to Forward” with a notation Gomez had been discharged as of October 5, 2016.²

We have examined the entire record and are satisfied Gomez’s appellate attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746; 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

² When we appointed appellate counsel for Gomez, we directed Gomez “to keep the court informed of his/her mailing address at all times. If you move, you MUST notify the clerk of this court immediately; otherwise you may not receive important notices concerning your appeal.” Gomez has not provided any information regarding her current address following her apparent release from the Los Angeles County Jail.

DISPOSITION

The order is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

KEENY, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.