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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff and Respondent,

v.

ARNOLD ROMERO,

Defendant and Appellant.

B284439

(Los Angeles County  
Super. Ct. No. BA443302)

APPEAL from a judgment of the Superior Court of Los Angeles County, C.H. Rehm, Judge. Affirmed.

Jeffrey J. Douglas for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

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## INTRODUCTION

Defendant Arnold Romero appeals the judgment revoking his probation following his guilty plea to assault with a firearm. Appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm.

## FACTS AND PROCEDURAL BACKGROUND

On July 6, 2016, defendant pleaded guilty to assault on victim Harrys Matus and admitted the special allegations that he inflicted great bodily injury and personally used a firearm. He was sentenced to a total of eight years imprisonment: the low term of two years for assault plus two consecutive three-year terms for the special allegations. The court suspended execution of sentence and placed defendant on formal probation for three years. The terms of probation required defendant not to “threaten to use force or violence on any person,” and not to “annoy, harass or molest any person or witness involved in [that] case, especially Harrys Xavier Matus.”

On the night of March 28, 2017, defendant threatened to kill Francisco Matus (Harrys Matus’s father) and his family outside the apartment building where he lived with Harrys Matus. Defendant made the threat while brandishing what appeared to be a black firearm. Francisco Matus reported the threat to police, who investigated and arrested defendant.

On June 12, 2017, the trial court held the probation violation hearing. Francisco Matus, Francisco Matus’s wife, the investigating police officer, defendant’s probation officer, two defense witnesses, and defendant testified. The People asserted the testimony proved their case by a preponderance of the evidence. Defense counsel primarily argued that Francisco Matus was not credible. The court found the People’s witnesses credible and defendant in violation of his probation because he

threatened to kill Matus and his family. The court imposed the previous term of 8 years, with 316 days of credit.

On June 13, 2017, defendant filed a timely notice of appeal. On January , 2018, his appointed counsel filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436, in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent defendant a letter advising him that such a brief would be filed and that he could file a supplemental brief if he chose to. That same day, this court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief raising any issues he wanted us to consider. Defendant did not file a supplemental brief.

#### **DISPOSITION**

We have examined the entire record and are satisfied that defendant's attorney fully complied with his responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *Wende, supra*, 25 Cal.3d 436.). We affirm the judgment.

RUBIN, J.

WE CONCUR:

BIGELOW, P. J.

ROGAN, J.\*

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