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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANCISCO ARREGUIN, JR.,

Defendant and Appellant.

2d Crim. No. B289615  
(Super. Ct. No. 16F-05658)  
(San Luis Obispo County)

Francisco Arreguin, Jr. appeals a trial court order denying his request for release from Atascadero State Hospital (ASH). (Pen. Code, §§ 1026.1, 1026.2.)<sup>1</sup> He was charged in 2016 with two counts of vandalism with more than \$400 in damages, second degree burglary, and enhancements. (§§ 594, subd. (b)(1), 459, 667, subd. (d), 667.5, subd. (b).) After reviewing medical evaluations, the court found Arreguin not guilty by reason of insanity. He was committed to state hospital in October 2016. (§ 1026.)

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<sup>1</sup> Unlabeled statutory references are to the Penal Code.

In December 2017, Arreguin applied to have the court determine whether he “would be a danger to the health and safety of others, due to mental defect, disease, or disorder, if under supervision and treatment in the community.” (§ 1026.2, subd. (e).) He submitted a statement detailing his condition, history of drug abuse, and his intention to take medications and other precautions to avoid relapse.

At trial, Arreguin testified that he has schizoaffective disorder. He completed a substance abuse program at ASH and takes prescribed medications. He recognizes that he committed a serious criminal offense. He denied any acts of violence at ASH. Upon release he intends to continue medications, live with his parents, and meet with his doctor if he becomes symptomatic.

The People opposed Arreguin’s application, arguing that a longer period of medication compliance was needed. The prosecutor submitted a recent medical evaluation into evidence. Two physicians opined that Arreguin is a danger to others and should not be released due to his lengthy history of drug abuse, delusions, and over 20 mental health hospitalizations.

The court ruled that Arreguin did not carry his burden of proof to overcome a medical opinion that he is not ready to be restored to competency. It denied his application.

We appointed counsel to represent Arreguin in this appeal. After examining the record, counsel filed an opening brief raising no issues. On September 4, 2018, we advised Arreguin that he could personally submit any contentions or issues within 30 days. We received no reply.

We have reviewed the entire record and are satisfied that Arreguin’s attorney fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.) The

order denying Arreguin's request for restoration of sanity is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Ginger E. Garrett, Judge

Superior Court County of San Luis Obispo

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Jack T. Weedin, under appointment by the Court of Appeal,  
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.