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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.

MANUEL LARIOS,

Defendant and Appellant.

B281227

(Los Angeles County  
Super. Ct. No. BA447154)

THE COURT:\*

Manuel Larios (defendant) appeals his conviction for driving a vehicle without the owner's consent. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On November 15, 2017, 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 letter was

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\* LUI, P. J., ASHMANN-GERST, J., HOFFSTADT, J.

returned to us by the Department of Corrections indicating that defendant has been released from jail. Defendant has not provided an updated address to the Court, and has not submitted any brief or letter. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

In the late morning of May 28, 2016, defendant saw a Toyota Avalon idling in a driveway with no driver in sight. He hopped into the car and drove away, but stopped a few blocks later after realizing that two young children were in the backseat. Defendant hopped out of the car in the middle of the street, pushed a passing bicyclist off of his bike, and then got onto the bike and rode off. Defendant was arrested moments later.

The People charged defendant with two counts: (1) driving a vehicle without the owner's consent (Veh. Code, § 10851, subd. (a)); and (2) second degree robbery of the bicycle (Pen. Code, § 211). At trial, defendant testified on his own behalf. Defendant admitted that he did not have permission to drive the Avalon; he also testified that he found the bicycle unattended in a backyard and took it because he was scared and eager to escape police and the owners of the Avalon, both of whom were in close pursuit. The trial court instructed the jury on the two charged crimes, as well as a lesser included crime to robbery—petty theft of the bicycle (Pen. Code, § 484).

The jury found defendant guilty of driving a vehicle without the owner's consent (count 1), but was unable to reach a unanimous verdict on count 2 for the taking of the bicycle. The trial court declared a mistrial as to count 2, and dismissed the charge. The court then sentenced defendant to the upper term of three years in county jail, and suspended the final year of that term placing defendant on mandatory supervision during which

he was to complete drug treatment and mental health counseling. (Pen. Code, § 1170, subd. (h)(5).) Defendant filed a timely notice of appeal from the judgment.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issues exist. 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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