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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ALFREDO GARCIA,

Defendant and Appellant.

B242740

(Los Angeles County  
Super. Ct. No. KA095557)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Steven D. Blades, Judge. Affirmed.

Robert Derham, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Respondent.

In the underlying action, appellant was convicted of attempted murder and other offenses. His court-appointed counsel has filed an opening brief raising no issues. Following our independent examination of the entire record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we conclude that no arguable issues exist, and affirm.

## **RELEVANT PROCEDURAL AND FACTUAL BACKGROUND**

### *A. Information and Plea*

On November 29, 2011, an information was filed charging appellant with four offenses against Carmen Meza, namely, attempted willful, deliberate, and premeditated murder (Pen. Code, §§ 187, subd. (a), 664), mayhem (Pen. Code, § 203), assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)), and corporal injury to a co-parent (Pen. Code, § 273.5, subd. (a)).<sup>1</sup> Accompanying the charges were allegations that appellant personally used a deadly weapon (former § 12022, subd. (b)(1)), personally inflicted great bodily injury (former § 12022.7, subd. (e)), and had three prior felony convictions (§ 667.5, subd. (b)).<sup>2</sup> Appellant pleaded not guilty and denied the special allegations.

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<sup>1</sup> All further statutory citations are to the Penal Code.

<sup>2</sup> The Legislature has repealed the statutes underlying certain special allegations against appellant, and replaced them with new statutes carrying over the repealed provisions without substantive change. (Cal. Law Revision Com. com., 51D pt. 1 West's Ann. Pen. Code (2011 supp.) foll. § 12000, p. 32.)

## B. *Trial*

### 1. *Prosecution Evidence*

At appellant's jury trial, the prosecution's key witness was the victim, Carmen Meza. For approximately 30 years, Meza had an "on-and-off" relationship with appellant, who was the father of two of her six children. She practiced the Catholic faith, and attended the San Luigi Dei Francesi church in La Puente.<sup>3</sup> Appellant also occasionally went to that church.

In early 2011, appellant was briefly hospitalized for back pain arising from a kidney problem. According to Meza, at some point after the incident, appellant's behavior changed. He accused Meza of having sex with a tenant who rented a room in their house. On one occasion, he claimed to see snakes in bed, and sometimes said that Meza was "bewitching" him. He also said that he had the special power to talk to the Virgin, and spent periods in the backyard looking at the sun. Meza discussed appellant's mental well-being with their son, who assured her that appellant was "okay."

On or about September 14, 2011, appellant told her that she needed to change her ways, and ask for forgiveness. When Meza replied she would "only . . . ask forgiveness from God, no one else," appellant said, "I am doing my duty in telling you this." During the following two days, Meza saw appellant walking outside the house, waving his hands and praying.

Two days later, at approximately 9:00 p.m. on September 16, 2011, appellant arrived home. He told Meza that he was tired, and sat quietly in the bedroom. According to Meza, appellant seemed distracted. While Meza prepared food for them to eat, appellant entered the kitchen and took a knife from a drawer.

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<sup>3</sup> The name of this church receives several different spellings in the record. For simplicity, we employ the spelling associated with Meza's testimony.

Later, Meza offered some food to appellant, who was again seated in the bedroom. She saw appellant make the sign of the cross, sat near him, and began to eat.

After Meza urged appellant to eat the food that she had brought for him, he stood in front of her, and said that she had interrupted him. He displayed the knife and asked, “Do you see what I am going to do to you because you are perturbing me, [sic] you and your son?” When Meza said, “Don’t do something you’re going to regret,” appellant replied, “I’m not going to regret it.” Appellant then stabbed Meza with the knife, cutting her lip, neck, chest, and left leg. Meza fled to her daughter’s bedroom, where she and her daughter phoned relatives for assistance.

Appellant also made a 911 call. Approximately 30 minutes after the incident was reported, deputy sheriffs from the Los Angeles County Sheriff’s Department arrested appellant at a service station.

## *2. Defense Evidence*

Bertha Marquez, who worked in San Luigi Dei Francesi church, testified that during the afternoon of September 16, 2011, a man briefly visited the church, and then stood outside it with his arms elevated. Later, she saw police officers talking to the man.

Los Angeles County Sheriff’s Department Deputy Sheriff Joel Broumley testified that he is assigned to the mental evaluation team, which evaluates persons for involuntary commitments pursuant to Welfare and Institutions Code section 5150.<sup>4</sup> On September 16, 2011, Broumley was accompanied by Catherine Skofield, a “psych” nurse. They evaluated appellant, who had been standing near a church and staring at the sun. Although they determined that appellant was not

properly subject to an involuntary commitment because he presented no danger to himself or others, Skofield concluded that appellant was psychotic.

Timothy Collister, a Ph.D. in clinical psychology, opined that appellant suffered from a condition known as “a psychotic disorder not otherwise specified.” According to Collister, appellant’s disorder fell in the middle of the range from mild to serious psychosis, in terms of his ability to appreciate the nature and consequences of his actions. Collister further opined that appellant’s condition had an impact on whether he could form the intent to kill. On cross-examination, Collister acknowledged that appellant had never suggested that his hallucinations directed him to hurt others.

### *C. Verdicts and Sentence*

Following the presentation of evidence, the trial court instructed the jury with CALCRIM No. 3428, which stated that the evidence of appellant’s mental disorder could be considered only for the limited purposes of determining whether appellant had the intent to kill, and whether he acted willfully, deliberately, and with premeditation. On June 12, 2012, the jury found appellant guilty of attempted willful, deliberate, and premeditated murder, assault with a deadly weapon, and corporal injury to a co-parent, and found true the special allegations related to those charges. The jury acquitted appellant of mayhem, and found him guilty of the lesser included charge of battery causing great bodily injury. On July 19, 2012, after appellant admitted his prior felony convictions, the trial court sentenced appellant to a total term of imprisonment of life plus six years.

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<sup>4</sup> Welfare and Institutions Code section 5150 authorizes “a 72-hour involuntary commitment for those determined to be dangerous to themselves or others.” (*People v. Young* (2007) 156 Cal.App.4th 1165, 1169, fn. 5.)

## **DISCUSSION**

After an examination of the record, appellant's court-appointed counsel filed an opening brief raising no issues and requesting this court to review the record independently pursuant to *Wende*. In addition, counsel advised appellant of his right to submit by supplemental brief any contentions or argument he wished the court to consider. Appellant has neither presented a brief nor identified any potential issues. Our examination of the entire record establishes that no arguable issues exist. (*Wende, supra*, 25 Cal.3d at p. 441.)

## **DISPOSITION**

The judgment is affirmed.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.