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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.

PERRY OAKLEY,

Defendant and Appellant.

B277614

(Los Angeles County  
Super. Ct. No. YA080803)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mark S. Arnold, Judge. Affirmed.

Joanna McKim, under appointment by the Court of Appeal, and Perry Oakley, in pro. per, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This is the second appeal in this case. (See *People v. Oakley* (Feb. 17, 2015, B248796) [nonpub. opn.] (*Oakley I.*) In this appeal, appellant Perry Oakley takes issue with the trial court’s denial of a post–trial motion to vacate judgment for lack of subject matter jurisdiction. Appellant’s appointed counsel filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), and appellant filed a supplemental brief.

## BACKGROUND

Driving while intoxicated, appellant ignored a stop sign, sped through an intersection, and caused a collision with another car, killing two of its four passengers. A jury convicted him of two counts of second degree murder, two counts of gross vehicular manslaughter while intoxicated, and one count each of leaving the scene of an accident, driving under the influence causing injury, and driving with an alcohol level of .08 or more causing injury. In a bifurcated proceeding, the trial court found that appellant had suffered a prior strike conviction (Pen. Code,<sup>1</sup> §§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)), and serious felony (§ 667, subd. (a)(1).) Appellant was sentenced to a term of 82 years to life in state prison. We affirmed that conviction. (See *Oakley I, supra*, at pp. 2, 23.)

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

In August 2016, appellant moved to vacate judgment based on lack of subject matter jurisdiction, because the felony complaint filed in 2011 had not been “subscribed by the complainant.” (§ 806.) The motion was denied after the trial court concluded it had “no merit.”

We appointed counsel to represent appellant on appeal. After an examination of the record, appellant’s counsel filed an opening brief raising no issues, and asked this court independently to review the record. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Appellant filed a supplemental brief.<sup>2</sup> He contends the trial court erred in (1) denying his motion to vacate the judgment, and (2) imposing enhancements, because the exhibit on which it relied did not disclose the facts underlying his prior offense, a contention first raised on appeal.<sup>3</sup>

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<sup>2</sup> Both appellant and his counsel have requested that we take judicial notice of specific portions of the record in *Oakley I*. We granted counsel’s request on December 13, 2016. Appellant’s request for judicial notice of the reporter’s transcript of the December 20, 2012 court trial on the priors is also granted.

<sup>3</sup> One exhibit (not included in the record) discussed during trial on the priors—appellant’s rap sheet (Exh. 51)—is relevant here. At trial, appellant’s counsel raised “no objection” to the exhibit when the prosecutor sought to have a certified copy admitted into evidence. However, during closing argument, trial counsel requested that the court view the rap sheet with skepticism. When the court asked “what [was] inaccurate about . . . the rap sheet,” counsel responded that the court “in its experience knows that rap sheets as a whole can contain information that is inaccurate and unreliable . . . and [he was] just suggest[ing] that the court make the conclusion that [appellant’s rap sheet was] unreliable and inaccurate.” The suggestion was rejected.

We have independently reviewed the record and conclude there are no arguable issues. (See *Wende, supra*, 25 Cal.3d at pp. 441–442.)

**DISPOSITION**

The judgment is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

COLLINS, J.