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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL ANTHONY
MILLER,

Defendant and Appellant.

B282749

(Los Angeles County
Super. Ct. No. MA070456)

APPEAL from a judgment of the Superior Court of Los Angeles County. Kathleen Blanchard, Judge. Affirmed.

Phillip A. Treviño, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Defendant Michael Anthony Miller was charged by information with first degree residential burglary (Pen. Code, § 459).¹ It was also alleged that defendant served five prior prison terms, and suffered a strike conviction (§§ 667.5, subd. (b), 1170.12). The burglary count and special allegations were tried to the jury, and the jury found defendant guilty of first degree burglary, and all special allegations except for the strike allegation were found true. The trial court found “good cause” to vacate the jury’s true findings as to the prison priors, and sentenced defendant to the high term of six years for the burglary. Defendant also received a concurrent eight-month term for a probation violation. Defendant filed a timely notice of appeal.

Defendant’s uncooperative behavior and refusal to attend court proceedings resulted in the trial court finding that he had voluntarily absented himself. He was not present at trial or at sentencing, despite repeated efforts to procure his cooperation and participation.

The evidence adduced at trial showed that on the evening of January 30, 2017, Aidan Orchard returned to his Lancaster home, and discovered that the pedestrian door to his garage had been propped open, and that numerous items had been taken from his home. He remained outside and called police, believing that a burglary was still in progress. While Mr. Orchard was on the phone, defendant appeared from the direction of

¹ A second count for false personation (Pen. Code, § 529, subd. (a)(3)) was dismissed.

Mr. Orchard's side yard, and asked Mr. Orchard about a barking dog. Defendant then wandered off, but returned on a bicycle after sheriff's deputies arrived on the scene. He was wearing a backpack belonging to Mr. Orchard, and fled after deputies tried to stop him. Deputies apprehended defendant, and he was arrested. Mr. Orchard identified the backpack, and contents of the backpack, as belonging to him. Numerous items belonging to Mr. Orchard were also found in the vacant house next door.

We appointed appellate counsel to represent defendant. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent a letter to defendant explaining his evaluation of the record. Counsel further declared that he advised defendant of the right, under *Wende*, to submit a supplemental brief. Defendant did not file any supplemental brief with this court.

We have examined the entire record, consisting of one volume of a clerk's transcript and one volume of a reporter's transcript, and are satisfied that appointed counsel fully complied with his responsibilities and that no arguable appellate issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.