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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.

LAKENYA KING,

Defendant and Appellant.

B264835

(Los Angeles County
Super. Ct. No. TA128020)

THE COURT:*

Defendant and appellant Lakenya King (defendant) appeals from the judgment entered after her probation was revoked. Her appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On July 26, 2016, we notified defendant of her counsel's brief and gave her leave to file, within 30 days, her own brief or letter

* BOREN, P. J., ASHMANN-GERST, J., CHAVEZ, J.

stating any grounds or argument she might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

In Los Angeles County Superior Court (LASC) case No. TA128020, defendant was convicted on a plea of no contest to first degree burglary in violation of Penal Code section 459. On January 8, 2014, the trial court suspended imposition of sentence and placed defendant on formal probation for a period of five years. The following September, defendant and a codefendant Gaston Gomez (Gomez) were charged in LASC case No. TA133825 with forcible rape in concert of a child of more than 14 years, in violation of Penal Code section 246.1, subdivision(b)(2) (count 2), and forcible rape of a child of more than 14 years, in violation of Penal Code section 261, subdivision (a)(2) (count 3).

Case No. TA133825 went to trial in March 2015, with separate juries for defendant and codefendant. After the jury was unable to reach a verdict, the trial court declared a mistrial, and on April 15, 2015, the court granted the prosecution's motion to dismiss both counts and proceeded with a probation violation hearing in case No. TA128020. The trial court considered the evidence presented during trial in case No. TA133825, and found by a preponderance of evidence that defendant had committed both crimes, in willful violation of her probation. After noting the original sentencing judge had warned defendant that a violation of probation would result in the imposition of a four-year sentence, the trial court revoked probation and sentenced defendant to four years in prison. Defendant filed a timely notice of appeal from the judgment.

The evidence relevant to the probation hearing showed that I.W. had known defendant for the seven years I.W. had lived with her foster family, and had no reason to distrust defendant. Defendant and her family were close friends of I.W.'s foster mother, who had known defendant since she was a toddler. Gomez was defendant's boyfriend. When I.W. was 16 years old and spending the night with a friend, at about 4:20 that morning defendant telephoned and asked I.W. to come outside. After I.W. refused and did not respond to subsequent calls or texts, Gomez and defendant appeared in the bedroom uninvited. Gomez held a gun, and threatened to shoot up the house if I.W. did not accompany them outside to Gomez's van, parked nearby. Once inside the van, Gomez ordered both I.W. and defendant to take off their clothes. He also fired the gun toward I.W., hitting the mattress in the back of the van. Gomez then ordered each of them to orally copulate him. Thereafter he raped I.W. twice, once facing her and again after turning her over. Defendant watched the rapes as she sat in the front seat of the van.

We have examined the entire record and are satisfied that defendant's appellate counsel has complied with her responsibilities and that no arguable issue exists. We conclude that defendant has received adequate and effective appellate review of the judgment entered against her 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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