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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONARD OCHOA,

Defendant and Appellant.

2d Crim. No. B277693
(Super. Ct. No. 16PT-00486)
(San Luis Obispo County)

Leonard Ochoa appeals the order determining him to be a mentally disordered offender (MDO) and committing him to the California Department of Mental Health (now State Department of State Hospitals) for treatment. (Pen. Code, § 2962 et seq.)¹ We appointed counsel to represent appellant in this appeal. After examining the record, counsel filed an opening brief in which no issues were raised. On March 9, 2017, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. (See *People v. Taylor* (2008) 160 Cal.App.4th 304.) On March 17, 2017, we received a supplemental brief from appellant stating,

¹ All statutory references are to the Penal Code.

among other things, that he is not violent and does not pose a substantial danger to others.

Appellant's commitment offense is for assault with a deadly weapon in which appellant threatened the victim with a knife and made a slashing motion. Doctor Meghan Brannick testified that appellant suffers from schizoaffective disorder, bipolar type, manifested by auditory hallucinations, the grandiose belief that he is a CIA agent and is being wrongfully imprisoned, persecutory delusions (demons and Satan worshippers out to kill him), paranoia, disorganized thinking, and depressive and manic episodes. Before the Board of Prison Terms hearing, hospital staff observed appellant pantomime swinging an axe, shooting a gun, and shooting a bow and arrow. The doctor stated that appellant was subject to an involuntary medication order (see *Keyhea v. Rushen* (1986) 178 Cal.App.3d 526, 542; *In re Qawi* (2004) 32 Cal.4th 1, 27), was not in remission, and had a significant alcohol-abuse history. Doctor Brannick opined that appellant met all the MDO criteria and represents a substantial danger of physical harm to others by reason of his severe mental disorder.

We conclude that the expert testimony of Doctor Brannick constitutes substantial evidence that appellant meets the statutory criteria for commitment as an MDO. (§ 2962; *People v. Labelle* (2010) 190 Cal.App.4th 149, 151-153.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Jacquelyn H. Duffy, Judge

Superior Court County of San Luis Obispo

Christopher L. Haberman, under appointment by the
Court of Appeal, for Defendant and Appellant.

No appearance by Respondent.